

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 10, 1904.

The court met pursuant to law.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Edward C. Bailey of Los Angeles, Cal., Joseph Stewart of Humboldt, Kans., Harry B. Arnold of Columbus, Ohio, James H. Campbell of San Jose, Cal., Percy C. Simons of Guthrie, Okla., William H. Devlin of Sacramento, Cal., William O. Henderson of Columbus, Ohio, A. H. Jarman of San Jose, Cal., George P. Chase of Washington, D. C., Oscar J. Smith of Reno, Nev., W. L. Maginnis of Ogden, Utah, George D. Smith of San Jose, Cal., Isidore Harris of San Francisco, Cal., Alfred Chartz of Carson, Nev., and Frederick De Courcy Faust of Washington, D. C., were admitted to practice.

The Chief Justice announced that all motions for to-day would be heard to-morrow, and that the court would then commence the call of the docket, pursuant to the twenty-sixth rule.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 11, will be as follows: Nos. 94 (and 95), 107 (and 108), 157 (and 158), 89 (and 199 and 90), 206, 176, 226, 1 (and 2), 3 (and 4 and 5) and 8.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 11, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Clark McKercher of Washington, D. C., George E. De Golia of Oakland, Cal., Theodore L. Bailey of New York City, L. L. Cory of Fresno, Cal., and Edward F. Colladay of Washington, D. C., were admitted to practice.

No. 28. The United States, plaintiff in error, *v.* The S. P. Shotter Company, In error to the circuit court of the United States for the southern district of Alabama. Dismissed, on motion of Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 101. Giovanni Zarcone, appellant, *v.* William Williams, Commissioner of Immigration, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, on motion of Mr. Solicitor-General Hoyt on behalf of counsel for appellant.

No. 89. The Western Union Telegraph Company, appellant, *v.* The Pennsylvania Railroad Company et al.;

No. 90. The Western Union Telegraph Company, plaintiff in error, *v.* The Pennsylvania Railroad Company; and

No. 199. The Western Union Telegraph Company, petitioner, *v.* The Pennsylvania Railroad Company et al. Passed temporarily, on motion of Mr. H. D. Estabrook for the Western Union Telegraph Company.

No. 52. Sallie Field Scott et al., appellants, *v.* Lizzie W. Carew et al. Appearance of Julia D. Finley as executrix and sole devisee of Samuel Y. Finley, deceased, as a party appellee herein filed and entered, on motion of Mr. W. Wade Hampton for appellees.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Time to file answer extended to November 1 next, on motion of Mr. Assistant Attorney-General Campbell for the defendant.

No. 379. M. S. Buckingham, trustee, et al., petitioners, *v.* The First National Bank of Chicago et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. William H. Carroll for the petitioners, and by Mr. Thomas B. Turley for the respondents.

No. 360. The Scottish Union and National Insurance Company, appellant, *v.* Willis G. Bowland, treasurer, etc., et al.; and

No. 361. Willis G. Bowland, treasurer, etc., et al., appellants, *v.* The Scottish Union and National Insurance Company. Motion to advance submitted by Mr. A. T. Seymour for Bowland et al.

No. 176. Rufus Binyon, plaintiff in error, *v.* The United States. Motion to reassign submitted by Mr. W. H. Green for the plaintiff in error in support of motion, and by Mr. Solicitor-General Hoyt in opposition thereto.

No. 279. John J. Cochran et al., plaintiffs in error, *v.* The County of Montgomery. Motion to dismiss submitted by Mr. W. L. Martin in support of motion, and by Mr. Edgar H. Gans and Mr. Thomas A. Whelan in opposition thereto.

No. 264 of October term, 1903. The Terre Haute and Indianapolis Railroad Company, plaintiff in error, *v.* The State of Indiana ex. rel. William A. Ketcham, attorney-general. Motion for leave to file petition for a rehearing herein submitted by Mr. William B. Hornblower in behalf of the defendant in error.

No. 373. The Mobile Transportation Company, petitioner, *v.* The City of Mobile et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. F. G. Bromberg and Mr. E. H. Lewis for the petitioner, and by Mr. Harry T. Smith for the respondent.

No. 244. Gus G. Coulter et al., appellants, *v.* The Louisville and Nashville Railroad Company. Motion to advance submitted by Mr. H. L. Stone for the appellants.

No. 387. Stuart R. Knott et al., petitioners, *v.* Louisville Trust Company, receiver. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. H. L. Stone in behalf of Mr. A. P. Humphrey, Mr. James P. Helm, Mr. Helm Bruce and Mr. Walker D. Hines for the petitioners, and by Mr. Aaron Kohn, Mr. D. W. Baird, Mr. John L. Dodd and Mr. J. C. Dodd for the respondent.

No. 318. Bunker Hill and Sullivan Mining and Concentrating Company, petitioner, *v.* Charles T. Jones. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Robert A. Howard in behalf of Mr. M. A. Folsom for the

petitioner, and by Mr. Thomas O'Day and Mr. F. C. Robertson for the respondent.

No. 285. The New York Life Insurance Company, plaintiff in error, *v.* Annie E. English. Motions to dismiss or affirm submitted by Mr. John Wharton Clark in behalf of Mr. Winchester Kelso in support of motions, and by Mr. Frederic D. McKenney and Mr. J. H. McIntosh in opposition thereto.

No. 382. The Ohio Baking Company et al., petitioners, *v.* National Biscuit Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Thomas A. Banning and Mr. Ephraim Banning for the petitioners, and by Mr. Earl D. Babst and Mr. C. K. Offield for the respondent.

No. 377. The Minnesota Moline Plow Company et al., petitioners, *v.* The Dowagiac Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Thomas A. Banning and Mr. Ephraim Banning for the petitioners, and by Mr. Fred L. Chappell for the respondent.

No. 372. Brennan & Co. Southwestern Agricultural Works et al., petitioners, *v.* Dowagiac Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Border Bowman and Mr. Augustus E. Willson for the petitioners, and by Mr. Fred L. Chappell for the respondent.

No. 333. Lee Look, plaintiff in error, *v.* The People of the State of California. Motion for leave to prosecute in forma pauperis and to advance submitted by Mr. A. H. Jarman for the plaintiff in error. Motions to dismiss or affirm submitted by Mr. James H. Campbell and Mr. U. S. Webb in support of motions, and by Mr. A. H. Jarman in opposition thereto.

No. 326. The Eureka County Bank, petitioner, *v.* Ida K. Clarke. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Oscar J. Smith and Mr. J. C. Campbell for the petitioner, and by Mr. Alfred Chartz for the respondent. Leave granted petitioner to file additional brief within one week.

No. 284. Munich Assurance Company, Limited, et al., petitioners, *v.* Dodwell & Co., Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne in behalf of Mr. Milton Andros for the petitioners, and by Mr. Charles Page and Mr. E. J. McCutchen for the respondent.

No. 310. The Portland Flouring Mills Company, petitioner, *v.* The British and Foreign Marine Insurance Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the

ninth circuit submitted by Mr. A. B. Browne, Mr. C. E. S. Wood, Mr. George H. Williams and Mr. Thomas D. Rambaut for the petitioner, and by Mr. Zera Snow and Mr. Wallace McCamant for the respondent.

No. 223. F. Augustus Heinze et al., petitioners, *v.* The Butte and Boston Consolidated Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKenney and Mr. John J. McHatton for the petitioners, and by Mr. James M. Beck and Mr. John A. Garver for the respondent.

No. 337. Tacoma Mill Company, petitioner, *v.* Black Hills and Northwestern Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKenney, Mr. James M. Ashton and Mr. E. C. Hughes for the petitioner, and by Mr. James B. Howe for the respondents.

No. 362. The Madisonville Traction Company, appellant, *v.* The Saint Bernard Mining Company. Advanced pursuant to the thirty-second rule, on motion of Mr. Nathaniel T. Crutchfield for the appellant.

No. 385. The Buffalo Tin Can Company, petitioner, *v.* E. W. Bliss Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. H. P. Bissell for the petitioner, and by Mr. Thomas Thacher for the respondent.

Nos. 11 and 12. William L. Elkins, appellant, *v.* The City of Chicago et al. Appeals from the circuit court of the United States for the northern district of Illinois. Stricken from the docket, per stipulation.

No. 161. Barbara Warner, as administratrix, etc., plaintiff in error, *v.* The Chicago and Northwestern Railway Company et al. Dismissed at cost of defendants in error, per stipulation of counsel.

No. 163. The Western Union Telegraph Company, appellant, *v.* The City of Toledo et al. Appeal from the United States circuit court of appeals for the sixth circuit. Dismissed with costs, on authority of appellant.

No. 177. Walter C. Peacock, appellant, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed, per stipulation.

No. 138. Susan A. Ramsey, plaintiff in error, *v.* The Tacoma Land Company. Motions to dismiss or affirm submitted by Mr. Stanton Warburton in support of motions, and by Mr. John F. Shafroth in opposition thereto.

No. 106. Samuel A. V. Hartwell, appellant, *v.* John A. Havighorst. Motion to dismiss submitted by Mr. A. G. C. Bierer in support of motion, and by Mr. William C. Prentiss in opposition thereto.

No. 173. Iron Cliffs Company et al., plaintiffs in error, *v.* Negaunee Iron Company et al. Motion to dismiss submitted by Mr. Benton Hanchett and Mr. Scott W. Shaull in support of motion, and by Mr. James H. Hoyt in opposition thereto.

No. 1. Houghton E. James et al., appellants, *v.* The Germania Iron Company; and

No. 2. James Belden, appellant, *v.* The Midway Company. Appeals from the United States circuit court of appeals for the eighth circuit. Dismissed with costs, on authority of appellants.

No. 94. The United States, appellant, *v.* Charles M. Thomas; and

No. 95. Charles M. Thomas, appellant, *v.* The United States. Argument commenced by Mr. George A. King for Thomas, continued by Mr. Assistant Attorney-General Pradt for the United States, and concluded by Mr. William B. King for Thomas.

No. 107. Caroline W. Dobbins, plaintiff in error, *v.* The City of Los Angeles; and

No. 108. Martin Daly, plaintiff in error, *v.* Charles Elton, chief of police, etc. Argument commenced by Mr. Lynn Helm for plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 12, will be as follows: Nos. 107 (and 108), 157 (and 158), 206, 176, 226, 3 (and 4 and 5), 8, 9, 10 and 13.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 12, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Chester Howe of Washington, D. C., and Marcus Frederick of Reno, Nev., were admitted to practice.

No. 89. The Western Union Telegraph Company, appellant, *v.* The Pennsylvania Railroad Company et al.;

No. 90. The Western Union Telegraph Company, plaintiff in error, *v.* The Pennsylvania Railroad Company; and

No. 199. The Western Union Telegraph Company, petitioner, *v.* The Pennsylvania Railroad Company et al. Reassigned for argument on Wednesday, October 19, at the head of the call.

No. 9. William A. Paulsen, plaintiff in error, *v.* The People of the State of Illinois. In error to the supreme court of the State of Illinois. Dismissed with costs, pursuant to the tenth rule.

No. 107. Caroline W. Dobbins, plaintiff in error, *v.* The City of Los Angeles; and

No. 108. Martin Daly, plaintiff in error, *v.* Charles Elton, chief of police, etc. Argument continued by Mr. Lynn Helm for the plaintiffs in error, by Mr. W. B. Mathews for the defendants in error, and concluded by Mr. Edward C. Bailey for the plaintiffs in error.

No. 157. Emma S. Fayerweather et al., appellants, *v.* Thomas G. Ritch et al.; and

No. 158. John B. Reynolds, as sole executor, etc., appellant, *v.* Thomas G. Ritch et al. Three hours allowed to each side in the argument of these appeals, on motion of Mr. Roger M. Sherman for the appellants in No. 157. Argument commenced by Mr. Roger M. Sherman for the appellants in No. 157, and continued by Mr. William Blackie for the appellant in No. 158.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 13, will be as follows: Nos. 157 (and 158), 206, 176, 226, 3 (and 4 and 5), 8, 10, 13, 14 and 15.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 13, 1904.

Present: Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Louis C. Barley of Alexandria, Va., Henry Seward Van Dyke of Los Angeles, Cal., F. Barron Grier of Greenwood, S. C., and Horace Andrews of Cleveland, Ohio, were admitted to practice.

No. 173. Iron Cliffs Company et al., plaintiffs in error, *v.* Negaunee Iron Company et al. Leave granted to file an additional brief for the plaintiffs in error herein, on motion of Mr. Horace Andrews for the plaintiffs in error.

No. 10. Henry Lockhart, appellant, *v.* H. C. Leeds et al. Motion to pass until No. 289 is reached submitted by Mr. J. H. McGowan for the appellant in support of motion, and by Mr. W. B. Childers for the appellees in opposition thereto.

No. 157. Emma S. Fayerweather et al., appellants, *v.* Thomas G. Ritch et al.; and

No. 158. John B. Reynolds, as sole executor, etc., appellant, *v.* Thomas G. Ritch et al. Argument continued by Mr. William Blaikie for the appellant in No. 158, and concluded by Mr. Elihu Root for the appellees. Leave granted to counsel to file additional briefs within five days.

No. 206. William K. Vanderbilt et al., *v.* Ferdinand Eidman, as United States collector, etc. Argument commenced by Mr. Howard Taylor for Vanderbilt et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 14, will be as follows: Nos. 206, 176, 226, 3 (and 4 and 5), 8, 10, 13, 14, 15 and 16.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 14, 1904.

Present: Mr. Justice Brewer, Mr. Justice Brown; Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Roy C. Gasser of New York City, Andrew C. Dunn of Winnebago City, Minn., George W. Nicol of Sonora, Cal., and Charles Newell Burch of Louisville, Ky., were admitted to practice.

No. 10. Henry Lockhart, appellant, *v.* H. C. Leeds et al.; and

No. 289. Henry Lockhart et al., appellants, *v.* H. C. Leeds et al. Motion to pass No. 10, under rule 26, and advance No. 289 denied.

No. 35. Edward W. Anderson et al., plaintiffs in error, *v.* Baxter Morton. Motion to pass submitted by Mr. West Steever for the plaintiffs in error.

No. 44. The San Francisco National Bank, appellant, *v.* Washington Dodge, assessor, etc. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. A. B. Browne in behalf of counsel.

No. 206. William K. Vanderbilt et al. *v.* Ferdinand Eidman, as United States collector, etc. Argument continued by Mr. Howard Taylor for Vanderbilt et al., by Mr. Assistant Attorney-General Robb for Eidman, and concluded by Mr. Howard Taylor for Vanderbilt et al.

No. 176. Rufus Binyon, plaintiff in error, *v.* The United States. Motion to pass denied. Argument commenced by Mr. W. H. Green for the plaintiff in error, continued by Mr. Assistant Attorney-General Purdy for the defendant in error, and concluded by Mr. W. H. Green for the plaintiff in error.

No. 226. John T. New, plaintiff in error, *v.* The Territory of Oklahoma. Argument commenced by Mr. Hugh T. Taggart for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 17, will be as follows: Nos. 226, 3 (and 4 and 5), 8, 10, 13, 14, 15, 16, 17 and 20.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 17, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Tobias A. Keppler of New York City, Guy R. Kennedy of Chico, Cal., William T. Wheeler of Philadelphia, Pa., Lewis F. Byington of San Francisco, Cal., Harvey B. Fergusson of Albuquerque, N. Mex., Russell P. Goodwin of Aurora, Ill., D. R. Hite of Topeka, Kans., and John P. Connelly of Philadelphia, Pa., were admitted to practice.

Mr. Solicitor-General Hoyt presented to the court the Hon. William H. Moody as Attorney-General of the United States, and it was ordered that his commission be recorded.

The Chief Justice announced the following orders of the court:

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Petition for rehearing denied.

No. 201 of October term, 1903. Richard H. Field, appellant, *v.* The Barber Asphalt Paving Company; and

No. 202 of October term, 1903. The Barber Asphalt Paving Company, appellant, *v.* Richard H. Field;

No. 243 of October term, 1903. Lydia Bradley, plaintiff in error, *v.* H. W. Lightcap; and

No. 306 of October term, 1903. Lydia Bradley, plaintiff in error, *v.* H. W. Lightcap;

No. 244 of October term, 1903. Thomas E. Kepner, plaintiff in error, *v.* The United States; and

No. 584 of October term, 1903. Secundino Mendezona y Mendezone, plaintiff in error, *v.* The United States. Motions for leave to file petitions for rehearing are severally denied.

No. 235. Samuel M. Clyatt *v.* The United States. Application for an order to bring up the entire record herein postponed to the hearing on the merits.

No. 106. Samuel A. V. Hartwell, appellant, *v.* John A. Havighorst. Motion to dismiss postponed to hearing on the merits.

No. 138. Susan A. Ramsey, plaintiff in error, *v.* The Tacoma Land Company. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 279. John J. Cochran et al., plaintiffs in error, *v.* The County of Montgomery. Motion to dismiss postponed to the hearing on the merits.

No. 244. Gus G. Coulter et al., appellants, *v.* The Louisville and Nashville Railroad Company. Motion to advance granted, and cause assigned for argument on Monday, November 28 next.

No. 275. The United States, appellant, *v.* The Harvey Steel Company. Motion to advance granted, and cause assigned for argument on Tuesday, January 3 next.

No. 360. The Scottish Union and National Insurance Company, appellant, *v.* Willis G. Bowland, treasurer, etc.; and

No. 361. Willis G. Bowland, treasurer, etc., et al., appellants, *v.* The Scottish Union and National Insurance Company. Motion to advance granted, and cases assigned for argument on Tuesday, January 3 next, after the case already set down for that day.

No. 285. The New York Life Insurance Company, plaintiff in error, *v.* Annie E. English. Motions to dismiss or affirm postponed until the record, or sufficient parts thereof, are printed.

No. 176. Rufus Binyon, plaintiff in error, *v.* The United States. In error to the United States court of appeals for the Indian Territory. Dismissed for the want of jurisdiction, on the authority of *Brown v. United States*, 171 U. S., 631; *Cross v. United States*, 145 U. S., 571.

No. 333. Lee Look, plaintiff in error, *v.* The People of the State of California. In error to the supreme court of the State of California. Dismissed for the want of jurisdiction, but without costs.

No. 213. Henry P. Booth, surviving partner, etc., petitioner, *v.* The Norwegian Bark Eliza Lines et al. Application for a cross-writ of certiorari herein granted.

No. 337. Tacoma Mill Company, petitioner, *v.* Black Hills and Northwestern Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 236. Thomas F. Curley et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 253. The Bettendorf Patents Company, petitioner, *v.* J. R. Little Metal Wheel Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 258. William Burrill et al., petitioners, *v.* George W. Crossman et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 268. The Western Union Telegraph Company, petitioner, *v.* Charles J. Swan. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 276. John T. Andrews, petitioner, *v.* Chicago and Northwestern Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 277. William H. Flannery et al., petitioners, *v.* Isaac B. Lewis. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 278. Ætna Insurance Company, petitioner, *v.* Isaac B. Lewis. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 284. Munich Assurance Company, Limited, et al., petitioners, *v.* Dodwell & Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 310. The Portland Flouring Mill Company, petitioner, *v.* The British and Foreign Marine Insurance Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 318. Bunker Hill and Sullivan Mining and Concentrating Company, petitioner, *v.* Charles T. Jones. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 372. Brennan & Co. Southwestern Agricultural Works et al., petitioners, *v.* Dowagiac Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 377. The Minnesota Moline Plow Company et al., petitioners, *v.* The Dowagiac Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 379. M. S. Buckingham, trustee, et al., petitioners, *v.* The First National Bank of Chicago et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 382. The Ohio Baking Company et al., petitioners, *v.* The National Biscuit Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 385. The Buffalo Tin Can Company, petitioner, *v.* E. W. Bliss Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 14. The United States, appellant, *v.* The Missouri, Kansas and Texas Railway Company et al. Passed for settlement, on motion of Mr. Solicitor-General Hoyt for appellant.

No. 380. The United States, petitioner, *v.* R. F. Downing & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General McReynolds for the petitioner, and by Mr. Albert Comstock for the respondent.

No. 389. The United States, appellant, *v.* The Detroit Timber and Lumber Company et al. Motion to continue injunction in force pending this appeal submitted by Mr. Solicitor-General Hoyt for appellant.

No. 273. The Chesapeake Beach Railway Company, plaintiff in error, *v.* The Washington, Potomac and Chesapeake Railroad Company. Motions to dismiss or affirm submitted by Mr. Charles Poe and Mr. S. A. Putman in support of motions, and by Mr. Frederic D. McKenney and Mr. J. S. Flannery in opposition thereto.

No. 131. William H. McCaffrey et al., appellants, *v.* Lizzie C. Manogue et al. Suggestion of death of James B. McCaffrey, one of the appellants herein, and stipulation that case proceed in names of surviving appellants filed and submitted, on motion of Mr. O. B. Hallam for appellants.

No. 343. Joseph Ralph Burton, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. W. H. Rossington for the plaintiff in error.

No. 384. Joseph R. Burton, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. H. Rossington, Mr. F. W. Lehmann, and Mr. John F. Dillon for the petitioner, with leave to the respondent to file brief on or before Friday next.

No. 45. Pedro Perea et al., administrators, etc., appellants, *v.* Guadalupe Perea de Harrison et al. Motion to dismiss submitted by Mr. W. B. Childers in support of motion, and by Mr. T. B. Catron in opposition thereto.

No. 50. Fernand Bonin et al., plaintiffs in error, *v.* The Gulf Company. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. A. B. Browne in behalf of counsel for plaintiffs in error.

No. 109. The Butte City Water Company, plaintiff in error, *v.* Ben Baker. Motions to dismiss or affirm submitted by Mr. Robert B. Smith in support of motions, and by Mr. W. W. Dixon in opposition thereto.

No. 226. John T. New, plaintiff in error, *v.* The Territory of Oklahoma. Argument continued by Mr. Hugh T. Taggart for the plaintiff

in error, and concluded by Mr. Percy C. Simons for the defendant in error. Leave granted to file additional briefs on or before Thursday.

No. 3. Andrew J. Aikens, plaintiff in error, *v.* The State of Wisconsin;

No. 4. Albert Huegin, plaintiff in error, *v.* The State of Wisconsin; and

No. 5. Melvin A. Hoyt, plaintiff in error, *v.* The State of Wisconsin.

Three hours allowed each side in the argument of these cases on motion of Mr. W. H. Timlin for plaintiffs in error in Nos. 3 and 4. Reargument commenced by Mr. W. H. Timlin for the plaintiffs in error in Nos. 3 and 4.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 18, will be as follows: Nos. 3 (and 4 and 5), 8, 10, 13, 15, 16, 17, 20, 21 and 23.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 18, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Mitchell Gilliam of Seattle, Wash., was admitted to practice.

No. 158. John B. Reynolds, as sole executor, etc., appellant, *v.* Thomas G. Ritch et al. Leave granted to file an additional brief herein, on motion of Mr. William Blaikie for the appellant.

No. 21. The Cedar Rapids Water Company, plaintiff in error, *v.* The City of Cedar Rapids et al. Passed temporarily.

No. 3. Andrew J. Aikens, plaintiff in error, *v.* The State of Wisconsin;

No. 4. Albert Huegin, plaintiff in error, *v.* The State of Wisconsin; and

No. 5. Melvin A. Hoyt, plaintiff in error, *v.* The State of Wisconsin.

Reargument continued by Mr. W. H. Timlin and Mr. George D. Van Dyke for the plaintiffs in error in Nos. 3 and 4, and by Mr. James G. Flanders for the defendant in error in Nos. 3 and 4, and concluded by Mr. S. S. Gregory for the plaintiff in error in No. 5, and submitted by Mr. L. M. Sturdevant for defendant in error in No. 5.

No. 8. Hugh Stevenson et al., appellants, *v.* William Fain et al. Argument commenced by Mr. T. S. Webb for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 19, will be as follows: Nos. 8, 89 (and 90 and 199), 10, 13, 15, 16, 17, 20, 23 and 24.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 19, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Harry J. Cantwell of St. Louis, Mo., was admitted to practice.

No. 21. The Cedar Rapids Water Company, plaintiff in error, *v.* The City of Cedar Rapids et al. Passed, subject to the provisions of section 9, rule 26, on motion of Mr. Charles A. Clark for the plaintiff in error.

No. 151. Maggie A. Bradford *v.* Southern Railway Company. Submitted, per stipulation, by Mr. Frederic D. McKenney for Maggie A. Bradford, and by Mr. Frank P. Poston for Southern Railway Company.

No. 8. Hugh Stevenson et al., appellants, *v.* William Fain et al. Argument concluded by Mr. T. S. Webb for the appellants, and submitted by Mr. John W. Green for the appellees.

No. 89. The Western Union Telegraph Company, appellant, *v.* The Pennsylvania Railroad Company et al.;

No. 90. The Western Union Telegraph Company, plaintiff in error, *v.* The Pennsylvania Railroad Company; and

No. 199. The Western Union Telegraph Company, petitioner, *v.* The Pennsylvania Railroad Company et al. Three hours allowed to each side in the argument of these cases, on motion of Mr. H. D. Estabrook for the Western Union Telegraph Company. Argument commenced by Mr. H. D. Estabrook for the Western Union Telegraph Company, and continued by Mr. Rush Taggart for the Western Union Telegraph Company, and by Mr. John G. Johnson for the Pennsylvania Railroad Company et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 20, will be as follows: Nos. 89 (and 90 and 199), 10, 13, 15, 16, 17, 20, 23, 24 and 25.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 20, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Byron S. Ambler of Salem, Ohio, James Hillhouse of New York City, L. Foster Young of San Francisco, Cal., and Julius F. Hale of Seattle, Wash., were admitted to practice.

No. 59. Erie Railroad Company, plaintiff in error, *v.* George H. Minor. Continued, per stipulation.

No. 89. The Western Union Telegraph Company, appellant, *v.* The Pennsylvania Railroad Company et al.;

No. 90. The Western Union Telegraph Company, plaintiff in error, *v.* The Pennsylvania Railroad Company; and

No. 199. The Western Union Telegraph Company, petitioner, *v.* The Pennsylvania Railroad Company et al. Argument continued by Mr. John G. Johnson for the Pennsylvania Railroad Company, and concluded by Mr. John F. Dillon for the Western Union Telegraph Company.

No. 10. Henry Lockhart, appellant, *v.* H. C. Leeds et al. Argument commenced by Mr. J. H. McGowan for the appellants, continued by Mr. W. B. Childers for the appellees, and concluded by Mr. J. H. McGowan for the appellants.

No. 13. Edmund J. Smiley, plaintiff in error, *v.* The State of Kansas. Argument commenced by Mr. H. Whiteside for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 21, will be as follows: Nos. 13, 15, 16, 17, 20, 23, 24, 25, 26 and 27.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 21, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

James Robert Spurgeon of New York City, and Homer Levi Castle of Pittsburg, Pa., were admitted to practice.

No. 15. The United States et al., appellants, *v.* Juan B. Martinez, administrator. Leave granted to Mr. Lincoln B. Smith to appear specially for the appellants in the argument of this case, on motion of Mr. Solicitor-General Hoyt for the appellants.

No. 13. Edmund J. Smiley, plaintiff in error, *v.* The State of Kansas. Argument continued by Mr. H. Whiteside for the plaintiff in error, by Mr. D. R. Hite for the defendant in error, and concluded by Mr. H. Whiteside for the plaintiff in error.

No. 15. The United States et al., appellants, *v.* Juan B. Martinez, administrator. Argument commenced by Mr. Lincoln B. Smith (*pro hac vice*) for the appellants, and continued by Mr. W. H. Robeson for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 24, will be as follows: Nos. 15, 16, 17, 20, 23, 24, 25, 26, 27 and 29.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 24, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Milton A. Nathan of San Francisco, Cal., Frederick Cubberly of Cedar Keys, Fla., Leon E. Greenbaum of Baltimore, Md., and Francis Herbert Dam of San Francisco, Cal., were admitted to practice.

No. 19. August Cliff, plaintiff in error, *v.* The United States. In error to the district court of the United States for the northern district of Illinois. Judgment affirmed. Opinion by Mr. Justice Brewer. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice Peckham.

The Chief Justice announced the following orders of the court:

No. 211 of October term, 1903. Northern Pacific Railway Company *v.* Alline A. Dixon, administratrix. Motion for leave to file petition for a rehearing herein stricken from the docket.

No. 45. Pedro Perea et al., administrators, etc., appellants, *v.* Guadalupe Perea de Harrison et al. Appeal from the supreme court of the Territory of New Mexico. Dismissed for the want of jurisdiction. *McLish v. Roff*, 141 U. S., 661; *Meagher v. Minnesota Thresher Manufacturing Company*, 145 U. S., 608; *Chicago and Northwestern Railway Company v. Osborne*, 146 U. S., 354; *Haseltine v. Bank*, 183 U. S., 130.

No. 380. The United States, petitioner, *v.* R. F. Downing & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 223. F. Augustus Heinze et al., petitioners, *v.* The Butte and Boston Consolidated Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 326. The Eureka County Bank, petitioner, *v.* Ida K. Clarke. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 373. The Mobile Transportation Company, petitioner, *v.* The City of Mobile et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 387. Stuart R. Knott et al., petitioners, *v.* Louisville Trust Company, receiver. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 109. The Butte City Water Company, plaintiff in error, *v.* Ben Baker. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 273. The Chesapeake Beach Railway Company, plaintiff in error, *v.* The Washington, Potomac and Chesapeake Railroad Company. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 173. Iron Cliffs Company et al., plaintiffs in error, *v.* Negaunee Iron Company et al. Motion to dismiss postponed to the hearing on the merits.

No. 193. Hannah O'Callaghan et al., appellants, *v.* Terence O'Brien, administrator, et al. Motion to dismiss and petition for writ of certiorari postponed to the hearing on the merits.

No. 343. Joseph Ralph Burton, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, November 28 next, after the case already set down for that day.

No. 384. Joseph Ralph Burton, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit postponed to November 28 next, to be taken with No. 343.

No. 389. The United States, appellant, *v.* The Detroit Timber and Lumber Company et al. Motion to continue injunction in force pending appeal granted.

No. 401. John J. Cochran et al., petitioners, *v.* County of Montgomery. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Edgar H. Gans and Mr. Thomas A. Whelan for the petitioners, and by Mr. William L. Martin for respondent.

No. 63. Charles H. Utermehle, plaintiff in error, *v.* Mamie E. Norment et al. Death of Le Roy M. Taylor, sr., suggested, and appearance of the Washington Loan and Trust Company as executor and trustee of Le Roy M. Taylor, sr., as one of the defendants in error herein filed and entered, on motion of Mr. Henry E. Davis in behalf of counsel for defendants in error.

No. 390. Seattle Dock Company, plaintiff in error, *v.* Seattle and Lake Washington Waterway Company et al.; and

No. 391. Cannel Coal Company, plaintiff in error, *v.* Seattle and Lake Washington Waterway Company et al. Motions to dismiss or affirm submitted by Mr. Julius F. Hale in support of motions, and by Mr. R. A. Ballinger, Mr. J. T. Ronald and Mr. Alfred Battle in opposition thereto.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Motion in regard to reproduction of maps to be filed in evidence herein submitted by Mr. F. C. Zacharie for the complainant.

No. 381. Chesley C. Moses, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKénney for the petitioner, and by Mr. Solicitor-General Hoyt, Mr. Assistant Attorney-General Pradt and Mr. Felix Brannigan in opposition thereto.

No. 386. A. F. Kenney, claimant, etc., petitioner, *v.* Albert Louie. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKénney and Mr. James M. Ashton for the petitioner, and by Mr. A. W. Bud-dress for the respondent.

No. 15. The United States et al., appellants, *v.* Juan B. Martinez, administrator. Argument continued by Mr. W. H. Robeson for the appellee, and concluded by Mr. Lincoln B. Smith (*pro hac vice*) for the appellants.

No. 16. Metropolitan Railroad Company, appellant and plaintiff in error, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Argument commenced by Mr. J. J. Darlington for the appellant and plaintiff in error, and continued by Mr. E. H. Thomas for the appellees and defendants in error, and concluded by Mr. C. C. Cole for the appellant and plaintiff in error.

No. 17. Joseph S. Kaufman, plaintiff in error, *v.* W. T. Tredway, trustee. Argument commenced by Mr. J. A. Langfitt for the plaintiff in error, and continued by Mr. H. L. Castle for the defendant in error, and concluded by Mr. William Kaufman for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 25, will be as follows: Nos. 20, 23, 24, 25, 26, 27, 29, 30, 32 (and 87) and 33.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 25, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Jackson A. Graves of Los Angeles, Cal., and Henry W. O'Melveney of Los Angeles, Cal., were admitted to practice.

No. 33. Ricardo Amado, plaintiff in error, *v.* The United States. Submitted by plaintiff in error on the record, and on brief by Mr. Assistant Attorney-General Purdy for the defendant in error.

No. 20. William A. Wright, comptroller-general, petitioner, *v.* The Louisville and Nashville Railroad Company et al. Argument commenced by Mr. Boykin Wright for the petitioner, continued by Mr. J. B. Cumming and Mr. Alex. C. King for respondent, and concluded by Mr. John C. Hart for the petitioner.

No. 23. C. Ewing Patterson et al., appellants, *v.* John Y. Hewitt et al. Argument commenced by Mr. W. B. Childers for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 26, will be as follows: Nos. 23, 24, 25, 26, 27, 29, 30, 32 (and 87), 31 and 34.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 26, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

William E. Church of Chicago, Ill., W. H. L. Hynes of Oakland, Cal., and Edward Horsky of Helena, Mont., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 31. The Farmers Loan and Trust Company, trustee, petitioner, *v.* The Lake Street Elevated Railroad Company. Motion to enter decree herein in accordance with stipulations of counsel denied.

No. 35. Edward W. Anderson et al., plaintiffs in error, *v.* Baxter Morton. Motion to pass denied.

No. —. Ignacio Rosales y Cueli, plaintiff in error, *v.* Dolores Moya y Rodriguez, guardian, etc., et al. Motion to docket and dismiss submitted by Mr. George H. Lamar for the defendants in error.

No. 31. The Farmers Loan and Trust Company, trustee, petitioner, *v.* The Lake Street Elevated Railroad Company. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Dismissed with costs, pursuant to the nineteenth rule.

No. 23. C. Ewing Patterson et al., appellants, *v.* John Y. Hewitt et al. Argument continued by Mr. W. B. Childers for the appellants, and by Mr. H. B. Fergusson for the appellees, and concluded by Mr. W. B. Childers for the appellants.

No. 24. The Northern Pacific Railway Company, appellant, *v.* The American Trading Company. Argument commenced by Mr. C. W. Bunn for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 27, will be as follows: Nos. 24, 25, 26, 27, 29, 30, 32 (and 87), 34, 35 and 36.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 27, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

No. 24. The Northern Pacific Railway Company, appellant, *v.* The American Trading Company. Argument continued by Mr. C. W. Bunn for the appellant, and by Mr. F. B. Jennings for the appellee, and concluded by Mr. C. W. Bunn for the appellant.

No. 25. Nathan C. Jessup, plaintiff in error, *v.* The Trustees of the Freeholders and Commonalty of the Town of Southampton. Argument commenced by Mr. Charles M. Stafford for the plaintiff in error, and concluded by Mr. Thomas Young for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 28, will be as follows: Nos. 26, 27, 29, 30, 32 (and 87), 34, 35, 36, 37 (and 38) and 39.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 28, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Benjamin Carter of Washington, D. C., was admitted to practice.

No. 26. Clarence T. Birkett, plaintiff in error, *v.* The Columbia Bank. Argument commenced by Mr. John Murray Downs for the plaintiff in error, and continued by Mr. Julius J. Frank for the defendant in error, and concluded by Mr. John Murray Downs for the plaintiff in error.

No. 27. The Helena Water Works Company, appellant, *v.* The City of Helena. Argument commenced by Mr. M. S. Gunn for the appellant, continued by Mr. Edward Horsky for the appellee, and concluded by Mr. M. S. Gunn for the appellant. Leave granted to both sides to file additional briefs within five days.

No. 29. The City of Seattle, appellant, *v.* Daniel Kelleher, administrator, etc. Argument commenced by Mr. Mitchell Gilliam for the appellant, continued by Mr. Frederick Bausman for the appellee, and concluded by Mr. Mitchell Gilliam for the appellant.

No. 30. Minnie Kilpatrick, plaintiff in error, *v.* The Choctaw, Oklahoma and Gulf Railroad Company. Submitted by Mr. W. O. Davis for the plaintiff in error, and by Mr. J. W. McLoud for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 31, will be as follows: Nos. 32 (and 87), 34, 35, 36, 37 (and 38), 39, 40, 41, 42 and 43.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 31, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Edgar Allan Poe of Baltimore, Md., Lee W. Grant of St. Louis, Mo., W. C. Sullivan of Washington, D. C., A. E. Crane of Holton, Kans., John J. Hawkins of Prescott, Ariz., Robert E. Wiley of Little Rock, Ark., and William Denman of San Francisco, Cal., were admitted to practice.

The Chief Justice announced the following orders of the court:

No. 25. Nathan C. Jessup, plaintiff in error, *v.* The Trustees of the Freeholders and Commonalty of the Town of Southampton. In error to the supreme court of the State of New York. Dismissed for the want of jurisdiction. *Cummings v. Chicago*, 188 U. S., 410; *Montgomery v. Portland*, 190 U. S., 89. See *Trustees v. Jessup*, 162 N. Y., 122; *Trustees v. Jessup*, 173 N. Y., 84; *People v. Jessup*, 160 N. Y., 249.

No. 30. Minnie Kilpatrick, plaintiff in error, *v.* The Choctaw, Oklahoma and Gulf Railroad Company. In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs, on the authority of *Southern Pacific Company v. Seley*, 152 U. S., 145, and case remanded to the United States court for the central district of the Indian Territory.

No. 390. Seattle Dock Company, plaintiff in error, *v.* Seattle and Lake Washington Waterway Company et al.; and

No. 391. Cannel Coal Company, plaintiff in error, *v.* Seattle and Lake Washington Waterway Company et al. In error to the supreme court of the State of Washington. Judgments affirmed with costs. *New Orleans v. New Orleans Waterworks Company*, 142 U. S., 79; *Yesler v. Commissioners*, 146 U. S., 646; *Shively v. Bowlby*, 152 U. S., 1; *Allen v. Forrest*, 8 Wash., 700; *Mississippi Valley Trust Company v. Hafins*, 20 Wash., 272, and these cases, 77 Pac. Rep., 845.

No. 264 of October term, 1903. The Terre Haute and Indianapolis Railroad Company, plaintiff in error, *v.* The State of Indiana ex rel. William A. Ketcham, attorney-general. Motion for leave to file petition for a rehearing denied.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Motion in regard to reproduction of maps to be filed in evidence granted.

No. 18. The Creede and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel Mining and Transportation Company. Restored to the docket for reargument and assigned for Tuesday, January 3, after the cases already set down for that day.

No. 381. Chesley C. Moses, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 386. A. F. Kenney, claimant, etc., petitioner, *v.* Albert Louie. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 401. John J. Cochran et al., petitioners, *v.* County of Montgomery. Consideration of the petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit postponed until No. 279 is considered.

No. 46. The Interstate Commerce Commission, appellant, *v.* The Nashville, Chattanooga and St. Louis Railway Company et al. Appeal from the United States circuit court of appeals for the fifth circuit. Dismissed with costs, per stipulation, on motion of Mr. Solicitor-General Hoyt for the appellant.

No. 83. The Interstate Commerce Commission, appellant, *v.* The Southern Railway Company. Appeal from the United States circuit court of appeals for the fourth circuit. Dismissed with costs, per stipulation, on motion of Mr. Solicitor-General Hoyt for the appellant.

No. 74. The People of the State of New York ex rel. The Metropolitan Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 75. The People of the State of New York ex rel. The Twenty-third Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 76. The People of the State of New York ex rel. The Central Crosstown Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 77. The People of the State of New York ex rel. The Consolidated Gas Company of New York, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 78. The People of the State of New York ex rel. The New Amsterdam Gas Company, plaintiff in error, *v.* The State Board of Tax Commissioners; and

No. 79. The People of the State of New York ex rel. The Brooklyn

City Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners. Passed, to be restored to the call subject to the provisions of section 9, rule 26, on motion of Mr. Elihu Root for the plaintiffs in error.

No. —, Original. *Ex parte*: In the matter of Albert Heff, petitioner. Motion for leave to file petition for a writ of habeas corpus and in that event to admit petitioner to bail submitted by Mr. A. E. Crane for the petitioner.

No. 178. Western Electric Supply Company, plaintiff in error, *v.* Abbeville Electric Light and Power Company. Motion to dismiss or affirm submitted by Mr. W. C. Sullivan in behalf of Mr. W. N. Graydon in support of motion, and by Mr. Lee W. Grant and Mr. J. H. Ralston in opposition thereto.

No. 162. Mrs. Beulah Schweer et al., appellants, *v.* J. C. Brown, trustee, etc. Motions to dismiss or affirm submitted by Mr. Robert E. Wiley in support of motions, and by Mr. Daniel W. Jones in opposition thereto.

No. 397. Phyllis E. Dodge, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. W. Wickham Smith for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 66. Siegmund Lubin, appellant, *v.* Thomas A. Edison. Motion to dismiss submitted by Mr. Melville Church for the appellee.

No. 399. Pacific Mail Steamship Company, petitioner, *v.* Sarah Guyon, administratrix, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Maxwell Evarts for the petitioner, and by Mr. William Denman for the respondents. Leave granted respondents to file additional brief in five days.

No. 32. W. O. Johnson, petitioner, *v.* Southern Pacific Company; and

No. 87. W. O. Johnson, plaintiff in error, *v.* Southern Pacific Company. Argument commenced by Mr. W. L. Maginnis for Johnson, and continued by Mr. Solicitor-General Hoyt on behalf of the United States, and by Mr. Maxwell Evarts for the Southern Pacific Company, and concluded by Mr. W. L. Maginnis for Johnson.

No. 34. The United States, appellant, *v.* F. G. Evans, claimant of the British steamship Blackheath. Argument commenced by Mr. Assistant Attorney-General McReynolds for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 1, will be as follows: Nos. 34, 35, 36, 37 (and 38), 39, 40, 41, 42, 43 and 47.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 1, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Ralph Oakley of New York City was admitted to practice.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Time in which to file answer herein extended to December 10, per stipulation of counsel, on motion of Mr. Assistant Attorney-General Campbell for the defendant.

No. 34. The United States, appellant, *v.* F. G. Evans, claimant, etc. Argument continued by Mr. Assistant Attorney-General McReynolds for the appellant, and concluded by Mr. Benjamin Carter for the appellee.

No. 35. Edward W. Anderson et al., plaintiffs in error, *v.* Baxter Morton. In error to the court of appeals of the District of Columbia. Dismissed, with costs, pursuant to the tenth rule.

No. 36. The Citizens' National Bank of Kansas City, Mo., plaintiff in error, *v.* M. S. C. Donnell. Argument commenced by Mr. O. H. Dean for the plaintiff in error, and concluded by Mr. Edward P. Garnett for the defendant in error.

No. 37. The National Cotton Oil Company et al., plaintiffs in error, *v.* The State of Texas; and

No. 38. The Southern Cotton Oil Company et al., plaintiffs in error, *v.* The State of Texas. Argument commenced by Mr. William V. Rowe for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 2, will be as follows: Nos. 37 (and 38), 39, 40, 41, 42, 43, 47, 48, 49 and 51.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 2, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Louis K. Luse, of Superior, Wis., was admitted to practice.

No. 37. The National Cotton Oil Company et al., plaintiffs in error, *v.* The State of Texas; and

No. 38. The Southern Cotton Oil Company et al., plaintiffs in error, *v.* The State of Texas. Argument continued by Mr. William V. Rowe for the plaintiffs in error, and by Mr. C. K. Bell for the defendant in error, and concluded by Mr. R. S. Lovett for the plaintiffs in error.

No. 39. Baltimore Shipbuilding and Dry Dock Company, plaintiff in error, *v.* The Mayor and City Council of Baltimore et al. Argument commenced by Mr. E. P. Keech, jr., for the plaintiff in error, and continued by Mr. Edgar Allan Poe for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 3, will be as follows: Nos. 39, 40, 41, 42, 43, 47, 48, 49, 51 and 52.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 3, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

John J. Boucher of Omaha, Nebr., was admitted to practice.

No. 39. The Baltimore Shipbuilding and Dry Dock Company, plaintiff in error, *v.* The Mayor and City Council of Baltimore et al. Argument continued by Mr. Edgar Allan Poe for the defendants in error, and concluded by Mr. Leon E. Greenbaum for the plaintiff in error.

No. 40. Adolfo Sixto, plaintiff in error, *v.* Laureana Sarria. Submitted by Mr. N. B. K. Pettingill for the plaintiff in error. No counsel appeared for the defendant in error.

No. 43. Maria F. Thomas et al. *v.* The Board of Trustees of the Ohio State University. Argued by Mr. Lawrence Maxwell, jr., for the Board of Trustees, and submitted by Mr. George Kearny in behalf of Mr. J. E. Sater for Thomas et al.

No. 42. Otto Olsen, plaintiff in error, *v.* A. D. Smith et al. Argument commenced by Mr. Walter Gresham for the plaintiff in error, and concluded by Mr. James B. Stubbs for the defendants in error.

No. 41. The City of San Juan, plaintiff in error, *v.* The St. Johns Gas Company. Argued by Mr. Frederic D. McKenney for the defendants in error, and submitted by Mr. N. B. K. Pettingill for the plaintiff in error.

No. 47. Fannie N. Dresser Cramer et al., plaintiffs in error, *v.* Frederick R. Wilson. Submitted by Mr. F. W. Becker, Mr. R. A. Childs and Mr. Charles Hudson for the plaintiffs in error, and by Mr. David K. Tone and Mr. George Gillette for the defendant in error.

No. 48. The Texas and Pacific Railway Company, plaintiff in error, *v.* W. W. Swearingen. Submitted on briefs to be filed by the plaintiff in error within one week and by the defendant in error within ten days thereafter.

No. 49. John F. Hill, plaintiff in error, *v.* Warren E. McCord.
Argument commenced by Mr. W. F. Bailey for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 4, will be as follows: Nos. 49, 51, 52, 44, 53, 54, 55, 56, 57 and 58.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 4, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

William Irvin Brobeck of San Francisco, Cal., was admitted to practice.

No. 54. The United States, appellant, *v.* Chicago, Milwaukee and St. Paul Railway Company et al. Submitted by Mr. Assistant Attorney-General Purdy for the appellant, and by Mr. Burton Hanson, Mr. W. H. Norris and Mr. Andrew C. Dunn for the appellees.

No. 57. The Yazoo and Mississippi Valley Railroad Company, plaintiff in error, *v.* Henry Truman. Submitted by Mr. J. M. Dickinson and Mr. Edward Mayes for the plaintiff in error. No counsel appeared for the defendant in error.

No. 49. John F. Hill, plaintiff in error, *v.* Warren E. McCord. Argument continued by Mr. W. F. Bailey for the plaintiff in error, and by Mr. Louis K. Luse for the defendant in error, and concluded by Mr. W. F. Bailey for the plaintiff in error.

No. 51. Fred Rassmussen, plaintiff in error, *v.* The United States. Argued by Mr. Assistant Attorney-General Robb for the defendant in error, and submitted by Mr. Robert W. Jennings for the plaintiff in error.

No. 53. National Exchange Bank of Tiffin, Ohio, plaintiff in error, *v.* Solon L. Wiley. Argument commenced by Mr. John J. Boucher for the plaintiff in error, and continued by Mr. J. H. McIntosh for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 7, will be as follows: Nos. 53, 44, 52, 55, 56, 58, 60, 61, 62 and 63.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 7, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Wilton J. Lambert of Washington, D. C., John C. Rose of Baltimore, Md., William Elliott, jr., of Columbia, S. C., Henry Burnett of Louisville, Ky., and D. W. Robinson of Columbia, S. C., were admitted to practice.

No. 3. Andrew J. Aikens, plaintiff in error, *v.* The State of Wisconsin;

No. 4. Albert Huegin, plaintiff in error, *v.* The State of Wisconsin;

No. 5. Melvin A. Hoyt, plaintiff in error, *v.* The State of Wisconsin. In error to the supreme court of the State of Wisconsin. Judgments affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White.

No. 22. Richard C. Crawford et al., plaintiffs in error, *v.* John E. Burke. In error to the supreme court of the State of Illinois. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brown.

No. 33. Ricardo Amado, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Porto Rico. Dismissed for the want of jurisdiction in this court. Opinion by Mr. Justice Harlan.

No. 8. Hugh Stevenson et al., appellants, *v.* William Fain et al. Appeal from the United States circuit court of appeals for the sixth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 162. Mrs. Beulah Schweer et al., appellants, *v.* J. C. Brown, trustee, etc. Appeal from the district court of the United States for the eastern district of Arkansas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 66. Sigmund Lubin, appellant, *v.* Thomas A. Edison. Appeal from the United States circuit court of appeals for the third circuit. Dismissed for the want of jurisdiction, on the authority of *McLish v. Roff*, 141 U. S., 661; *Insurance Company v. Kirchoff*, 160 U. S., 374.

No. 14, Original. *Ex parte*: In the matter of Albert Heff, petitioner. Motion for leave to file petition for a writ of habeas corpus granted, and rule to show cause awarded returnable Monday, November 28 next. Petitioner admitted to bail on filing bond conditioned according to law in the penal sum of \$1,000, to be approved by the district judge for the district of Kansas.

No. 178. Western Electrical Supply Company, plaintiff in error, *v.* Abbeville Electric Light and Power Company. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 397. Phyllis E. Dodge, claimant, etc., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 399. Pacific Mail Steamship Company, etc., petitioner, *v.* Sarah Guyon, administratrix, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

The Chief Justice also announced that the court would take a recess from Monday, November 14, to Monday, November 28 next.

No. 314. The United States, appellant, *v.* Jock Coe. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellant.

No. 235. Samuel M. Clyatt *v.* The United States. Reassigned for argument on Monday, December 12 next, on motion of Mr. William G. Henderson for Clyatt.

No. 81. T. B. Lee, jr., plaintiff in error, *v.* H. S. Robinson. Motion for leave to intervene herein and file argument submitted by Mr. William Elliott, jr., in behalf of W. I. Twikett. Suggestion of diminution of record herein and motion for a writ of certiorari submitted by Mr. William Elliott, jr., in support of motion, and by Mr. William Shyles for the plaintiff in error, and Mr. D. W. Robinson for the defendant in error in opposition thereto.

No. 417. Thomas J. Sparks, presiding judge, etc., et al., petitioners, *v.* Frank C. Guthrie. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Henry Burnett for the petitioners, and by Mr. D. M. Rodman for the respondent.

No. 117. Frank D. Thompson, trustee, etc., plaintiff in error, *v.* Henry Fairbanks. Motions to dismiss or affirm submitted by Mr. C. A. Prouty

in support of motions, and by Mr. Edw. H. Deavitt in opposition thereto.

No. 175. George Schlosser, plaintiff in error, *v.* W. L. Hemphill et al. Motion to dismiss submitted by Mr. E. B. Evans in support of motion, and by Mr. Charles A. Clark and Mr. George E. Clarke in opposition thereto.

No. 53. National Exchange Bank of Tiffin, Ohio, plaintiff in error, *v.* Salon L. Wiley. Argument concluded by Mr. John J. Boucher for the plaintiff in error.

No. 44. The San Francisco National Bank, appellant, *v.* Washington Dodge, assessor, etc. Argument commenced by Mr. W. S. Wood for the appellant, continued by Mr. William Irvin Brobeck for the appellee, and concluded by Mr. W. S. Wood for the appellant.

No. 52. Sallie Field Scott et al., appellants, *v.* Lizzie W. Carew et al. Argument commenced by Mr. Henry W. Anderson for the appellants. Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 8, will be as follows: Nos. 52, 55, 56, 58, 60, 61, 62, 63, 64 and 65.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 8, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

No. 52. Sallie Field Scott et al., appellants, *v.* Lizzie W. Carew et al. Argument continued by Mr. Henry W. Anderson for the appellants, by Mr. W. Wade Hampton, Mr. Horatio Bisbee and Mr. Edward R. Gunby for the appellees, and concluded by Mr. Francis P. Fleming for the appellants. Leave granted to counsel for the appellees to file an additional brief and to counsel for appellants to reply thereto within five days.

No. 55. Andrew C. Keely, trustee, et al., plaintiffs in error, *v.* Joseph H. Moore et al. Argument commenced by Mr. C. C. Cole for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 9, will be as follows: Nos. 55, 56, 58, 60, 61, 62, 63, 64, 65 and 67.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 9, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

No. 81. T. B. Lee, jr., plaintiff in error, *v.* H. S. Robinson. Leave granted to file an additional brief on motion to intervene and for writ of certiorari, on motion of Mr. William Elliott, jr., for the intervenor.

No. 55. Andrew C. Keely, trustee, et al., plaintiffs in error, *v.* Joseph H. Moore et al. Argument continued by Mr. C. C. Cole for the plaintiffs in error, by Mr. D. W. Baker and Mr. Wilton J. Lambert for the defendants in error, and concluded by Mr. Hugh T. Taggart for the plaintiffs in error.

No. 56. William B. Wetmore, plaintiff in error, *v.* Annette B. Markoe, etc. Argument commenced by Mr. William A. Keener for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 10, will be as follows: Nos. 56, 58, 60, 61, 62, 63, 64, 65, 67 and 68.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 10, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Clad Hamilton of Topeka, Kans., was admitted to practice.

No. 61. George F. Harding, plaintiff in error, *v.* The People of the State of Illinois. Submitted by Mr. Robert S. Iles for the defendants in error, and leave granted to the plaintiff in error to file brief within twenty days, on motion of Mr. A. A. Hoehling, jr., in behalf of counsel for plaintiff in error.

No. 56. William B. Wetmore, plaintiff in error, *v.* Annette B. Markoe, etc. Argument continued by Mr. William A. Keener for the plaintiff in error, and concluded by Mr. Flamen B. Candler for the defendant in error. Leave granted to counsel for defendant in error to file an additional brief within five days, and to counsel for plaintiff in error to reply thereto within five days thereafter.

No. 58. Adolphus F. McClaine, plaintiff in error, *v.* George C. Rankin, receiver, etc. Argued by Mr. T. O. Abbott for the plaintiff in error, and by Mr. F. F. Oldham for the defendant in error.

No. 60. Spencer S. Bullis, plaintiff in error, *v.* James R. O'Beirne et al. Argument commenced by Mr. Adelbert Moot for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 11, will be as follows: Nos. 60, 62, 63, 64, 65, 67, 68, 69, 70 and 71.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 11, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

H. Gordon McCouch of Philadelphia, Pa., was admitted to practice.

No. 60. Spencer S. Bullis, plaintiff in error, *v.* James R. O'Beirne et al. Argument continued by Mr. Adelbert Moot for the plaintiff in error, and by Mr. Frank Sullivan Smith for the defendants in error, and concluded by Mr. Adelbert Moot for the plaintiff in error.

No. 64. William M. Meffert, plaintiff in error, *v.* E. B. Packer et al., etc. Argued by Mr. Clad Hamilton for the defendants in error, and submitted by Mr. J. Jay Buck for the plaintiff in error.

No. 62. Abraham Wolff, plaintiff in error, *v.* The District of Columbia. Argument commenced by Mr. John C. Gittings for the plaintiff in error, and concluded by Mr. E. H. Thomas for the defendant in error.

Adjourned until Monday next at 12 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 14, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Charles R. Holden of Chicago, Ill., William T. Coad of Rapid City, S. Dak., Henry G. Gray of New York City, George F. Ormsby of Washington, D. C., and E. G. Sebree of Henderson, Ky., were admitted to practice.

No. 107. Caroline W. Dobbins, plaintiff in error, *v.* The City of Los Angeles; and

No. 108. Martin Daly, plaintiff in error, *v.* Charles Elton, chief of police, etc. In error to the supreme court of the State of California. Judgments reversed with costs, and causes remanded for further proceedings not in conflict with the opinion of this court. Opinion by Mr. Justice Day.

No. 20. William A. Wright, Comptroller-General, petitioner, *v.* The Louisville and Nashville Railroad Company et al. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Decree reversed with costs, and cause remanded to the circuit court of the United States for the northern district of Georgia with directions to dismiss the bill of complaint. Opinion by Mr. Justice Holmes.

No. 43. Maria F. Thomas et al. *v.* The Board of Trustees of the Ohio State University. On a certificate from the United States circuit court of appeals for the sixth circuit. Questions answered. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. 57. The Yazoo and Mississippi Valley Railroad Company, plaintiff in error, *v.* Henry Truman. In error to the circuit court of Franklin County, State of Mississippi. Judgment reversed with costs on the authority of *Chicago, Rock Island and Pacific Railway Company v. Sturm*, 174 U. S., 710, and cause remanded for further proceedings.

No. 64. William M. Meffert, plaintiff in error, *v.* E. B. Packer et al., etc. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. (*Hawker v. New York*, 170 U. S., 189; *Dent v.*

West Virginia, 129 U. S., 114; *Gray v. Connecticut*, 159 U. S., 574; Case below, 66 Kans., 710.)

No. 81. T. B. Lee, jr., plaintiff in error, *v. H. S. Robinson*. Leave granted to file brief herein as *amicus curiæ*, and motion for writ of certiorari postponed to the hearing of the case on its merits.

No. 117. Frank D. Thompson, trustee, etc., plaintiff in error, *v. Henry Fairbanks*. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 175. George Schlosser, plaintiff in error, *v. W. L. Hemphill et al.* Motion to dismiss postponed to the hearing of the case on its merits.

No. 314. The United States, appellant, *v. Jock Coe*. Motion to advance granted, and case assigned for argument on Tuesday, January 3, next, after the cases already set down for that day, and cases Nos. 315 and 316 advanced to be heard with this case.

No. 417. Thomas J. Sparks, presiding judge, etc., et al., petitioners, *v. Frank C. Guthrie*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 301. The United States *ex rel.* Frank B. Edwards, lieutenant, etc., plaintiff in error, *v. Elihu Root*, Secretary of War, et al. Motion to dismiss submitted by Mr. Solicitor-General Hoyt in support of motion, and by Mr. Henry A. Craig and Mr. Joseph W. Catharine in opposition thereto.

No. 413. The United States, petitioner, *v. Morris Whitridge et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General McReynolds for the petitioner, and by Mr. Albert Comstock, Mr. A. B. Browne and Mr. W. R. Sears for the respondents. Leave to respondents to file additional brief within three days and to petitioner to reply within three days thereafter.

No. 415. Atlanta, Knoxville and Northern Railway Company, petitioner, *v. Southern Railway Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Charles N. Burch for the petitioner, and by Mr. Alexander Pope Humphrey for respondent.

No. 409. Stanley Instrument Company, petitioner, *v. Westinghouse Electric and Manufacturing Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. C. E. Mitchell, Mr. William H. Kenyon and Mr. Henry B. Brownell for the petitioner, and by Mr. W. K. Richardson and Mr. Thomas B. Kerr for the respondent.

No. 405. The Ideal Stopper Company of Baltimore City et al., petitioners, *v. The Crown Cork and Seal Company of Baltimore City*. Peti-

tion for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Reeve Lewis and Mr. Philip Mauro for the petitioner, and by Mr. R. H. Parkinson and Mr. John C. Rose for the respondent.

No. 422. George W. Sample, petitioner, *v.* The American Soda Fountain Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. W. G. Henderson for the petitioner, and by Mr. Joshua Pusey for the respondent.

No. 403. Frederick H. Shelton, petitioner, *v.* The American Surety Company of New York. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Carter Berkeley Taylor for the petitioner, and by Mr. H. Gordon McCouch for the respondent.

No. 418. Goldenberg Brothers and Company, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Thomas H. Clark for the petitioners, with leave to the respondent to file brief within five days.

No. 426. Armour Packing Company, petitioner, *v.* The Metropolitan Water Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. A. B. Browne in behalf of Mr. James Russell Soley for the petitioner, and by Mr. Joseph Coult for the respondent.

No. 219. Charles F. Dodge, appellant, *v.* George Ellis et al. Motions to dismiss or affirm submitted by Mr. Henry G. Gray and Mr. Howard S. Gans in support of motions, and leave granted to file brief in opposition thereto within five days and to reply thereto within three days thereafter.

No. 424. Union Trust Company et al. *v.* Henry L. Wilson, trustee, etc. Motion to advance for hearing with No. 139 submitted by Mr. Henry S. Robbins for the trust company, and by Mr. Joseph E. Paden and Mr. Newton Wyeth in opposition thereto, with leave to file reply brief within five days.

No. 280. The L. A. Kinsey Company et al., petitioners, *v.* The Board of Trade of the City of Chicago. Motion to advance for hearing with No. 224 submitted by Mr. Henry S. Robbins for the respondent in support of motion, and by Mr. J. J. Kern, Mr. John A. Brown and Mr. C. D. Fallen in opposition, with leave to file reply brief within six days.

Adjourned until Monday, November 28, at 12 o'clock.

The day call for Monday, November 28, will be as follows: Nos. 63, 244, 343 (and 384), 65, 67, 68, 69, 70, 71 and 72.

SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 28, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Arthur P. Rugg of Worcester, Mass., Wade Keyes of Boston, Mass., T. B. Harrison, jr., of Louisville, Ky., W. O. Davis of Versailles, Ky., N. B. Hays of Frankfort, Ky., Ralph Wormelle of Washington, D. C., David Lansden of Cairo, Ill., John M. Calhoun of Marianna, Fla., William B. Sheppard of Pensacola, Fla., Anderson B. Lacey of Washington, D. C., William Furlong of Louisville, Ky., Jay Good of El Paso, Tex., H. Prescott Gatley of Washington, D. C., and Mertes Wimberly of Macon, Ga., were admitted to practice.

No. 27. The Helena Water Works Company, appellant, *v.* The City of Helena. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Montana. Opinion by Mr. Justice Day.

No. 29. The City of Seattle, appellant, *v.* Daniel Kelleher, administrator, etc. Appeal from the circuit court of the United States for the district of Washington. Decree reversed with costs, and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice Brown.

No. 34. The United States, appellant, *v.* F. G. Evans, claimant, etc. Appeal from the district court of the United States for the southern district of Alabama. Decree reversed and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Separate opinion by Mr. Justice Brown.

No. 36. The Citizens' National Bank of Kansas City, Mo., plaintiff in error, *v.* M. S. C. Donnell. In error to the supreme court of the State of Missouri. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 39. Baltimore Shipbuilding and Dry Dock Company, of Baltimore city, plaintiff in error, *v.* The Mayor and City Council of Baltimore et al. In error to the court of appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 26. Clarence T. Birkett, plaintiff in error, *v.* The Columbia Bank. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 42. Otto Olsen, plaintiff in error, *v.* A. D. Smith et al. In error to the court of civil appeals for the fourth supreme judicial district of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 16. Metropolitan Railroad Company, appellant and plaintiff in error, *v.* Henry B. F. Macfarland et al., Commissioners of the District of Columbia. Appeal from and in error to the court of appeals of the District of Columbia. Appeal dismissed and judgment affirmed with costs. Opinion by Mr. Justice White.

No. 23. C. Ewing Patterson et al., appellants, *v.* John Y. Hewitt et al. Appeal from the supreme court of the Territory of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 17. Joseph S. Kaufman, plaintiff in error, *v.* W. T. Tredway, trustee, etc., in error to the superior court of the State of Pennsylvania. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 157. Emma S. Fayerweather et al., appellants, *v.* Thomas G. Ritch et al.; and

No. 158. John B. Reynolds, as sole executor, etc., appellant, *v.* Thomas G. Ritch et al. Appeals from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Brewer. (The Chief Justice did not hear the argument and took no part in this decision.)

No. 53. National Exchange Bank of Tiffin, Ohio, plaintiff in error, *v.* Solon L. Wiley. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 151. Maggie A. Bradford *v.* Southern Railway Company. On a certificate from the United States circuit court of appeals for the sixth circuit. Questions answered in the negative. Opinion by Mr. Chief Justice Fuller.

No. 226. John T. New, plaintiff in error, *v.* The Territory of Oklahoma. In error to the supreme court of Territory of Oklahoma. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court :

No. 431. Ignacio Rosales y Cueli, plaintiff in error, *v.* Dolores Moya y Rodriguez, guardian, etc. Motion to docket and dismiss denied.

No. 280. The L. A. Kinsey Company et al., petitioners, *v.* The Board of Trade of the City of Chicago. Motion to advance granted and case advanced to be heard immediately after No. 224.

No. 424. Union Trust Company et al. *v.* Henry L. Wilson, trustee, etc. Motion to advance to be heard with No. 139 denied, but without prejudice to the advancement and submission of the cause, as under Rules 32 and 6.

No. 413. The United States, petitioner, *v.* Morris Whitridge et al., etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 403. Frederick H. Shelton, petitioner, *v.* The American Surety Company of New York. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 405. The Ideal Stopper Company, etc., et al., petitioners, *v.* The Crown Cork and Seal Company, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 409. Stanley Instrument Company, petitioners, *v.* Westinghouse Electric and Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 415. Atlanta, Knoxville and Northern Railway Company, petitioner, *v.* Southern Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 418. Goldenberg Brothers & Co., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 422. George W. Sample, petitioner, *v.* The American Soda Fountain Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 426. Armour Packing Company, petitioner, *v.* The Metropolitan Water Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 438. The United States, petitioner, *v.* George E. Cadarr et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 301. The United State ex rel. Frank B. Edwards, lieutenant, etc., plaintiff in error, *v.* Elihu Root, Secretary of War, et al. William H. Taft as Secretary of War and F. C. Ainsworth as Military Secretary

substituted for Elihu Root and H. C. Corbin as parties defendants in error herein on motion of Mr. Solicitor-General Hoyt for the defendants in error.

No. 214. J. W. Toney et al., plaintiffs in error, *v.* The Mayor and City Council of the City of Macon. Motions to dismiss or affirm submitted by Mr. Minter Wimberly in support of motions, and by Mr. John R. Cooper in opposition thereto.

No. 201. W. J. Warder, plaintiff in error, *v.* Mrs. Laura Loomis. Motion to dismiss submitted by Mr. J. H. Ralston in behalf of Mr. Millard Patterson in support of motion, and by Mr. Jay Good in opposition thereto.

No. 137. The City of Oklahoma City, plaintiff in error, *v.* Frank McMaster. Motions to dismiss or affirm submitted by Mr. Chester Howe and Mr. F. J. Kearful in support of motions, and by Mr. A. G. C. Bierer in opposition thereto.

No. 150. R. E. Hodge et al., plaintiffs in error, *v.* Muscatine County et al. Motion to advance to be heard with No. 98 granted, on motion of Mr. J. Parker for the plaintiffs in error.

No. 170. The Louisville and Nashville Railroad Company, plaintiff in error, *v.* The Barber Asphalt Paving Company et al. Motions to dismiss or affirm submitted by Mr. William Furlong, Mr. H. L. Stone and Mr. B. F. Washer in support of motions, and by Mr. Helm Bruce and Mr. James P. Helm in opposition thereto.

No. 400. The Baltimore and Ohio Coal Company, petitioner, *v.* The Colonial Trust Company, trustee, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Harry B. Arnold for the petitioner, and by Mr. Louis Marshall and Mr. John H. Doyle for the respondents. Leave granted to counsel for petitioner to file reply brief within two days.

No. 428. Joseph B. Bartram et al., petitioners, *v.* The United States;

No. 429. Benjamin H. Howell et al., petitioners, *v.* The United States; and

No. 430. American Sugar Refining Company, petitioner, *v.* The United States. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. H. B. Classon and Mr. John E. Parsons for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 432. New York Baking Powder Company et al., petitioners, *v.* Rumford Chemical Works. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted

by Mr. H. Prescott Gatley in behalf of Mr. Arthur V. Briesen and Mr. Paul Bakewell for the petitioners, and by Mr. Philip Mauro for the respondent.

No. 441. W. J. McCahan Sugar Refining Company, petitioner, *v.* The Steamship "Welderoft." Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. H. L. Cheyney and Mr. John F. Lewis for the petitioner, and by Mr. J. Parker Kirlin for the respondent.

No. 362. The Madisonville Traction Company, appellant, *v.* The Saint Bernard Mining Company. Submitted pursuant to the thirty-second rule by Mr. N. T. Crutchfield and Mr. David W. Fairleigh for the appellant, and by Mr. E. G. Sebree for the appellee.

No. 13, Original. *Ex parte*: In the matter of the Republic of Colombia, petitioner. Argued by Mr. William G. Johnson for the petitioner, and by Mr. John W. Beaumont for the respondent.

No. 97. A. L. Smalley et al., plaintiffs in error, *v.* George F. Lauge-nour et al. Submitted pursuant to the twentieth rule, by Mr. Charles S. Voorhees and Mr. R. H. Voorhees for the plaintiffs in error, and by Mr. W. C. Keegin for the defendants in error.

No. 63. Charles H. Utermehle, plaintiff in error, *v.* Mamie E. Norment et al. Argument commenced by Mr. Wilton J. Lambert for the plaintiff in error, and continued by Mr. A. S. Worthington for the defendants in error.

Adjourned until Tuesday, November 29, at 12 o'clock.

The day call for Tuesday, November 29, will be as follows: Nos. 63, 244, 343 (and 384), 65, 67, 68, 69, 70, 71 and 72.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 29, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

James A. Gordon, of Jersey City, N. J., was admitted to practice.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Leave to print and file abstract of evidence herein granted on motion of Mr. Assistant Attorney-General Campbell for the United States.

No. 63. Charles H. Utermehle, plaintiff in error, *v.* Mamie E. Norment et al. Argument continued by Mr. A. S. Worthington for the defendants in error, and concluded by Mr. D. W. Baker for the plaintiff in error.

No. 244. Gus G. Coulter et al., appellants, *v.* The Louisville and Nashville Railroad Company. Argument commenced by Mr. W. O. Davis for the appellants, and continued by Mr. James P. Helm for the appellee and by Mr. Henry L. Stone for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 30, will be as follows: Nos. 244, 343 (and 384), 65, 67, 68, 69, 70, 71, 72 and 73.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 30, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Guy M. MacDowell of Danville, Ill., Maurice Winfield of Logansport, Ind., Jesse A. Frye of Seattle, Wash., Benjamin F. Hutchins of Minneapolis, Minn., Carroll T. Bond of Baltimore, Md., and George Weems Williams of Baltimore, Md., were admitted to practice.

No. 244. Gus G. Coulter et al., appellants, *v.* The Louisville and Nashville Railroad Company. Argument concluded by Mr. Henry L. Stone for the appellants.

No. 343. Joseph Ralph Burton, plaintiff in error, *v.* The United States. One hour additional time allowed each side in the argument of this case, on motion of Mr. John F. Dillon for the plaintiff in error. Argument commenced by Mr. John F. Dillon for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 1, will be as follows: Nos. 343 (and 384), 65, 67, 68, 69, 70, 71, 72, 73 and 80.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 1, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Harry R. Kurrie of Rensselaer, Ind., was admitted to practice.

No. 442. Alfred W. Carter, guardian, etc., plaintiff in error, *v.* George D. Gear, second judge, etc. Motion for a restraining order submitted by Mr. William F. Mattingly for the plaintiff in error.

No. 80. The People of the State of New York *ex rel.* The Coney Island and Brooklyn Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners. Passed.

No. 343. Joseph Ralph Burton, plaintiff in error, *v.* The United States. Argument continued by Mr. Solicitor-General Hoyt for the defendant in error, and concluded by Mr. Fred W. Lehmann for the plaintiff in error. Leave granted to counsel for defendant in error to file an additional brief within three days, and to counsel for plaintiff in error to file reply thereto within three days thereafter.

No. 65. Martha I. Hunt, plaintiff in error, *v.* The Springfield Fire and Marine Insurance Company. Argument commenced by Mr. John C. Gittings for the plaintiff in error, and continued by Mr. A. B. Duvall for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 2, will be as follows: Nos. 65, 67, 68, 69, 70, 71, 72, 73, 81 and 82.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 2, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Adolphe Danziger of San Francisco, Cal., and Gilbert D. Lamb of New York City were admitted to practice.

No. 82. Adams Express Company, plaintiff in error, *v.* The State of Iowa. Advanced, to be heard with No. 67 as one case, on motion of Mr. Lawrence Maxwell, jr., for the plaintiff in error.

No. 65. Martha I. Hunt, plaintiff in error, *v.* The Springfield Fire and Marine Insurance Company. Argument concluded by Mr. D. W. Baker for the plaintiff in error.

No. 67. The American Express Company, plaintiff in error, *v.* The State of Iowa; and

No. 82. Adams Express Company, plaintiff in error, *v.* The State of Iowa. Argument commenced by Mr. Lewis Cass Ledyard for the American Express Company, continued by Mr. Charles W. Mullan for the State of Iowa, and concluded by Mr. Lawrence Maxwell, jr., for Adams Express Company.

No. 68. The United States, appellant, *v.* The United Verde Copper Company. Argued by Mr. M. C. Burch for the appellant, and by Mr. Alfred B. Cruikshank for the appellee.

No. 69. The Chicago, Indianapolis and Louisville Railway Company, plaintiff in error, *v.* Patrick McGuire et al. Argument commenced by Mr. H. R. Kurrie for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 5, will be as follows: Nos. 69, 70, 71, 72, 73, 81, 84 (and 228), 85, 86 and 184.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 5, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Abraham Sharp of Baltimore, Md., Frederick H. Nash of Boston, Mass., Edwin G. Baetjer of Baltimore, Md., William P. Maulsby, jr., of Frederick, Md., Charles S. Davis of Washington, D. C., and Oliver E. Pugin of Washington, D. C., were admitted to practice.

No. 15. The United States et al., appellants, *v.* Juan B. Martinez, administrator. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice Day. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 10. Henry Lockhart, appellant, *v.* H. C. Leeds et al. Appeal from the supreme court of the Territory of New Mexico. Decrees reversed with costs, and cause remanded for further proceedings as directed in the opinion of this court. Opinion by Mr. Justice Peckham.

No. 24. The Northern Pacific Railway Company, appellant, *v.* The American Trading Company. Appeal from the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Peckham.

No. 94. The United States, appellant, *v.* Charles M. Thomas; and

No. 95. Charles M. Thomas, appellant, *v.* The United States. Appeals from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the petition. Opinion by Mr. Justice Brown.

No. 47. Fannie N. Dresser Cramer et al., plaintiffs in error, *v.* Frederick R. Wilson. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 49. John F. Hill, plaintiff in error, *v.* Warren E. McCord. In error to the supreme court of the State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 214. *J. W. Toney et al., plaintiffs in error, v. The Mayor and City Council of the City of Macon.* In error to the supreme court of the State of Georgia. Dismissed for the want of jurisdiction on the authority of *Meagher v. Minnesota Company*, 145 U. S., 608, 611; *Haseltine v. Central Bank*, 183 U. S., 130, and cases cited. See *Charleston, etc, Railway Co. v. Miller*, 115 Ga., 92; *Augusta Railway Company v. Andrews*, 92 Ga., 706.

No. 219. *Charles F. Dodge, appellant, v. George Ellis and John J. Herlihy.* Appeal from the district court of the United States for the southern district of Texas. Final order affirmed with costs. *Ex parte Reggel*, 114 U. S., 642; *Roberts v. Reilly*, 116 U. S., 80; *Kohl v. Lehlback*, 160 U. S., 293; *Hyatt v. People, ex rel. Cockran*, 188 U. S., 691.

No. 301. *The United States ex rel. Frank D. Edwards, lieutenant, etc., plaintiff in error, v. William H. Taft, Secretary of War, et al.* In error to the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction on the authority of *South Carolina v. Seymour*, 153 U. S., 353; *United States v. Lynch*, 137 U. S., 280; *United States ex rel. Phillips v. Ware, Commissioner; Samè v. Hitchcock, Secretary*, 189 U. S., 507.

No. 6. *Jose Antonio Fernandez y Perez, plaintiff in error, v. Jose Perez y Fernandez.* Counsel are requested to submit additional briefs on these points :

1. Can this court, on the record of this case, properly consider and determine the contention of plaintiff in error that a civil action like the present one was, at the date of the attachment and the commencement of this action, unknown to and unauthorized by the laws and jurisprudence of Porto Rico?

2. Was a civil action like the present one known to the laws and jurisprudence of Porto Rico at the time the attachment in question was sued out?

3. Under the law of civil procedure as existing in Porto Rico at the time of the attachment proceeding complained of, could the damages herein claimed have been allowed or assessed in that proceeding upon the dissolution or discharge of the attachment? If so, was that mode exclusive of every other for ascertaining such damages?

No. 137. *The City of Oklahoma City, plaintiff in error, v. Frank McMaster.* Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 170. *The Louisville and Nashville Railroad Company, plaintiff in error, v. The Barber Asphalt Paving Company et al.* Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 201. W. J. Warder, plaintiff in error, *v.* Mrs. Laura Loomis et al. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 400. The Baltimore and Ohio Coal Company, petitioner, *v.* The Colonial Trust Company, trustee, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 428. Joseph B. Bartram et al., petitioners, *v.* The United States;

No. 429. Benjamin H. Howell et al., petitioners, *v.* The United States; and

No. 430. The American Sugar Refining Company, petitioner, *v.* The United States. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 432. New York Baking Powder Company et al., petitioners, *v.* Rumford Chemical Works. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 438. The United States, petitioner, *v.* George E. Cadarr et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia granted.

No. 441. W. J. McCahan Sugar Refining Company, petitioner, *v.* The Steamshp Wilderoft, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 442. Alfred W. Carter, guardian, etc., plaintiff in error, *v.* George D. Gear, second judge, etc. Rule to show cause why the order applied for should not be granted directed to issue returnable Monday, February 27, 1905. Defendants in error restrained from further proceedings until the rule is disposed of. Cause advanced, to be heard on the merits on that day.

No. 91. Domingo Felici et al., plaintiffs in error, *v.* George W. Whitehead. In error to the circuit court of the United States for the southern district of New York. Dismissed, per stipulation, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 92. Joshua Bishop, appellant, *v.* The United States. Passed, to be restored to the call subject to the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 436. Edgar A. Davis et al., petitioners, *v.* A. Booth & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Fred. A. Baker for the petitioners, and by Mr. Henry M. Duffield and Mr. Charles S. Thornton for the respondents. Leave granted to counsel for petitioners to file an additional brief within four days.

No. 339. Blue Mountain Iron and Steel Company, etc., petitioner, *v.* Frank Portner et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Henry C. Terry for the petitioner, and by Mr. Bernard Carter and Mr. J. Kemp Bartlett for the respondents. Leave granted counsel for petitioner to file an additional brief within three days.

No. 447. The Salt River Valley Canal Company, appellant, *v.* Henry E. Slosser;

No. 448. The Maricopa Canal Company, appellant, *v.* Martin Gould; and

No. 449. The Grand Canal Company, appellant, *v.* Tom Brockman. Appeals from the supreme court of the Territory of Arizona. Docketed and dismissed with costs, on motion of Mr. C. J. Kappler for the appellees.

No. 8, Original. The State of South Dakota, complainant, *v.* The State of North Carolina et al. Motion to modify decree as to date of payment, etc. Submitted by Mr. R. D. Gilmer for the defendant in support of motion, and by Mr. Wheeler H. Peckham for the complainant in opposition thereto.

No. 414. The Western Transit Company, owner, etc., petitioner, *v.* The Minnesota Steamship Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Harvey D. Goulder, Mr. S. H. Holding and Mr. F. S. Masten for the petitioner, and by Mr. James H. Hoyt, Mr. John C. Shaw, Mr. Martin Casey, Mr. Charles B. Warren and Mr. W. B. Cady for the respondent.

No. 219. Charles F. Dodge, appellant, *v.* George Ellis et al. Mandate granted, on motion of Mr. H. G. Gray for the appellees.

No. 120. Giovanni Lavagnino, plaintiff in error, *v.* Edmund H. Ulig et al. Motion to dismiss submitted by Mr. Arthur Brown in support of motion, and by Mr. A. B. Browne and Mr. Alexander Britton in opposition thereto.

No. 179. St. Louis Expanded Metal Fireproofing Company, plaintiff in error, *v.* Standard Fireproofing Company. Motions to dismiss or affirm submitted by Mr. Hervey S. Knight and Mr. Frank L. Shepard in support of motions, and by Mr. James A. Carr in opposition thereto.

No. 233. A. H. Leonard et al., plaintiffs in error, *v.* The Vicksburg, Shreveport and Pacific Railroad Company et al. Motions to dismiss or affirm submitted by Mr. Harry H. Hall in support of motions, and by Mr. A. H. Leonard in opposition thereto.

No. 356. Copper King of Arizona, appellant, *v.* Peter Johnson et al. Motions to dismiss or affirm submitted by Mr. Allen R. English in support of motions, and by Mr. William C. Prentiss in opposition thereto.

No. 184. The United States, appellant, *v.* John Smith. Motion to pass submitted by Mr. J. S. Flannery in behalf of counsel for appellee, which motion was opposed by Mr. Solicitor-General Hoyt for the appellant. Reassigned for argument on Monday, December 12 next.

No. 69. The Chicago, Indianapolis and Louisville Railway Company, plaintiff in error, *v.* Patrick McGuire. Argument continued by Mr. Harry R. Kurrie for the plaintiff in error, by Mr. W. H. H. Miller and Mr. Maurice Winfield for the defendant in error, and concluded by Mr. Harry R. Kurrie for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 6, will be as follows: Nos. 70, 71, 72, 73, 81, 84 (and 228), 85, 86, 93 and 96.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 6, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Ed. P. Ingham of Muscatine, Iowa, was admitted to practice.

No. 70. Henning Jacobson, plaintiff in error, *v.* The Commonwealth of Massachusetts. Argument commenced by Mr. George Fred Williams for the plaintiff in error, continued by Mr. Frederick H. Nash for the defendant in error, and concluded by Mr. George Fred Williams for the plaintiff in error.

No. 71. John J. Moore, etc., appellant, *v.* The United States. Argument commenced by Mr. Louis T. Michener for the appellant, continued by Mr. P. M. Ashford for the appellee, and concluded by Mr. Louis T. Michener for the appellant.

No. 72. Thomas L. Hartigan, appellant, *v.* The United States. Submitted by Mr. L. T. Michener and Mr. W. W. Dudley for the appellant, and by Mr. Assistant Attorney-General Pradt and Mr. George M. Anderson for the appellee.

No. 73. The First National Bank of Jacksboro, plaintiff in error, *v.* J. L. Lasater. Submitted by Mr. J. W. Nichol for the plaintiff in error. No counsel appeared for defendant in error.

No. 81. T. B. Lee, jr., plaintiff in error, *v.* H. S. Robinson. Argument commenced by Mr. William H. Lyles for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 7, will be as follows: Nos. 81, 84 (and 228), 85, 86, 93, 96, 98 (and 150), 99, 100 and 102 (and 88).

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 7, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Paul Synnestvedt of Pittsburg, Pa., George W. S. Hart of Yorkville, S. C., and William Bullitt Dixon of Louisville, Ky., were admitted to practice.

No. 81. T. B. Lee, jr., plaintiff in error, *v.* H. S. Robinson. Argument continued by Mr. William H. Lyles for the plaintiff in error, by Mr. D. W. Robinson for the defendant in error, and concluded by Mr. William H. Lyles for the plaintiff in error.

No. 84. Wesley E. Travis, appellant, *v.* The United States; and

No. 228. Luther Clay Slavens, appellant, *v.* The United States. Argument commenced by Mr. A. A. Hoehling, jr., for the appellants, and continued by Mr. John Stewart for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 8, will be as follows: Nos. 84 (and 228), 85, 86, 93, 96, 98 (and 150), 99, 100, 102 (and 88) and 103.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 8, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Neal Brown of Wausau, Wis., James L. Dormon of Crowley, La., and Albert C. Ritchie of Baltimore, Md., were admitted to practice.

No. 103. Swift & Co. et al., appellants, *v.* The United States. Passed, per stipulation, on motion of Mr. Assistant to the Attorney-General Day for the appellees, the case to be restored to the call under the provisions of section 9, rule 26.

No. 84. Wesley E. Travis, appellant, *v.* The United States; and

No. 228. Luther Clay Slavens, appellant, *v.* The United States. Argument continued by Mr. John Stewart for the appellees, and concluded by Mr. A. A. Hoehling, jr., for the appellants.

No. 85. Pabst Brewing Company, appellant, *v.* G. Y. Crenshaw et al. Argument commenced by Mr. Clifford Histed for the appellant, and continued by Mr. E. C. Crow and Mr. William M. Williams for the appellees, and concluded by Mr. Clifford Histed for the appellant.

No. 86. James C. Corry, plaintiff in error, *v.* The Mayor and City Council of Baltimore et al. Argument commenced by Mr. William P. Maulsby, jr., for the plaintiff in error, and continued by Mr. Albert C. Ritchie for the defendants in error, and by Mr. E. J. Baetjer for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 9, will be as follows: Nos. 86, 93, 96, 98 (and 150), 99, 100, 102 (and 88), 104, 105 and 106.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 9, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Time to file answer extended to January 9 next, on motion of Mr. Assistant Attorney-General Campbell for the defendant.

No. 86. James C. Corry, plaintiff in error, *v.* The Mayor and City Council of Baltimore et al. Argument concluded by Mr. Edwin G. Baetjer for the plaintiff in error.

No. 93. M. H. Courtney, appellant, *v.* Louis A. Pradt, executor, etc., et al. Argument commenced by Mr. William Bullitt Dixon for the appellant, continued by Mr. Neal Brown and Mr. Louis A. Pradt for the appellees, and concluded by Mr. Alexander Pope Humphrey for the appellant.

No. 96. The United States, appellant, *v.* Walter S. Crosley. Submitted by Mr. Assistant Attorney-General Pradt and Mr. John Q. Thompson for the appellant, and by Mr. George A. King and Mr. William B. King for the appellee.

No. 98. C. P. Cook et al., plaintiffs in error, *v.* The County of Marshall, Iowa; and

No. 150. R. E. Hodge et al., plaintiffs in error, *v.* Muscatine County et al. Argument commenced by Mr. Junius Parker for the plaintiffs in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 12, will be as follows: Nos. 98 (and 150), 235, 184, 99, 100, 102 (and 88), 104, 105, 106 and 109.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 12, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Howard Saxton of Omaha, Nebr., Lewis Orvis Evans of Butte, Mont., and William Hammond of Thomasville, Ga., were admitted to practice.

No. 60. Spencer S. Bullis, plaintiff in error, *v.* James R. O'Beirne et al. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 13, Original. *Ex parte*: In the matter of the Republic of Colombia, petitioner. Petition denied and rule discharged. Opinion by Mr. Justice Holmes.

No. 89. The Western Union Telegraph Company, appellant, *v.* The Pennsylvania Railroad Company et al. Appeal from the United States circuit court of appeals for the third circuit; and

No. 199. The Western Union Telegraph Company, petitioner, *v.* The Pennsylvania Railroad Company et al. On writ of certiorari to the United States circuit court of appeals for the third circuit. Decrees affirmed with costs, and cause remanded to the circuit court of the United States for the district of New Jersey. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan. Mr. Justice Brewer concurs in the decrees.

No. 90. The Western Union Telegraph Company, plaintiff in error, *v.* The Pennsylvania Railroad Company. In error to the United States circuit court of appeals for the third circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Pennsylvania. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan.

No. 54. The United States, appellant, *v.* Chicago, Milwaukee and St. Paul Railway Company et al. Appeal from the United States circuit court of appeals for the eighth circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the district of Minnesota. Opinion by Mr. Justice Peckham.

No. 41. *The City of San Juan, plaintiff in error, v. The St. Johns Gas Company, Limited.* In error to the district court of the United States for the district of Porto Rico. Judgment reversed with costs, and cause remanded with directions to set aside the judgment and grant a new trial. Opinion by Mr. Justice White.

No. 7. *John A. Humbird et al. v. Waldo A. Avery et al.* On a certificate from and order to the United States circuit court of appeals for the eighth circuit. Decree of the circuit court of the United States for the district of Minnesota modified and affirmed with costs, and cause remanded to said court. Opinion by Mr. Justice Harlan. (Mr. Justice Brewer did not participate in the decision of this case.)

The Chief Justice announced that the court would take a recess from Monday, December 19, to Tuesday, January 3 next.

The Chief Justice also announced the following orders of the court:

No. 179. *St. Louis Expanded Metal Fireproofing Company, plaintiff in error, v. Standard Fireproofing Company.* In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. *Mutual Insurance Company v. McGrew*, 188 U. S., 291; *Turner v. Richardson*, 180 U. S., 87; *Home for Incurables v. New York*, 187 U. S., 155; *Layton v. Missouri, id.*, 356. Case reported below 177 Mo., 559.

No. 356. *Copper King of Arizona, appellant, v. Peter Johnson et al.* Appeal from the supreme court of the Territory of Arizona. Judgment affirmed with costs. *Rio Grande, etc., Company, v. Gildersleeve*, 174 U. S., 603, 609; *Sparrow v. Strong*, 4 Wall., 584; *Kerr v. Clampitt*, 95 U. S., 188. Revised Statutes of Arizona (1901), sections 1214, 1493, 1389, 4104. Case reported below 76 Pac. Rep., 594.

No. 8, Original. *The State of South Dakota, complainant, v. The State of North Carolina et al.* Motion to modify decree as to date of payment granted.

No. 120. *Giovanni Lavagnino, plaintiff in error, v. Edmund H. Ulig et al.* Motion to dismiss postponed to the hearing on the merits.

No. 233. *A. H. Leonard et al., plaintiffs in error, v. The Vicksburg, Shreveport and Pacific Railroad Company et al.* Motions to dismiss or affirm postponed to the hearing on the merits.

No. 339. *Blue Mountain Iron and Steel Company of Baltimore City, petitioner, v. Frank Portner et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 414. *The Western Transit Company, petitioner, v. The Minnesota Steamship Company et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 436. Edgar A. Davis et al., petitioners, *v.* A. Booth & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 308. John A. Benson, appellant, *v.* William Henkel, United States marshal, etc.;

No. 406. Frederick A. Hyde, appellant, *v.* John H. Shine, United States marshal, et al.; and

No. 410. Henry P. Dimond, appellant, *v.* John H. Shine, United States marshal, etc. Motions to advance submitted by Mr. Assistant Attorney-General McReynolds for the appellees. Opposed by Mr. C. C. Cole for Mr. J. R. Soley for appellant in No. 308. Leave to counsel for appellant in No. 406 to file opposition by Friday.

No. 419. The Territory of New Mexico *ex rel.* Caledonian Coal Company, appellant, *v.* Benjamin S. Baker, associate justice, etc. Motion to advance submitted by Mr. William Stone Abert in behalf of Mr. Neill B. Field for the appellant.

No. 139. The First National Bank of Chicago et al., petitioners, *v.* The Chicago Title and Trust Company, trustee, et al. Motion to quash the writ of certiorari herein submitted by Mr. Thomas H. Clark in behalf of Mr. Joseph E. Paden and Mr. Newton Wyeth in support of motion, and by Mr. Henry S. Robbins and Mr. Wallace Heckman in opposition thereto. Leave granted counsel for respondents to file an additional brief within five days.

No. 184. The United States, appellant, *v.* John Smith. Reassigned for argument on Tuesday, January 3 next, after the cases already set down for that day, on motion of Mr. J. S. Flannery in behalf of counsel for appellee.

No. 454. James L. Lombard, petitioner, *v.* Anglo-American Land, Mortgage and Agency Company, Limited;

No. 455. B. Lombard, jr., petitioner, *v.* Anglo-American Land, Mortgage and Agency Company, Limited;

No. 456. Cheshire Provident Institution, petitioner, *v.* Frederick Herbert Ramsden; and

No. 457. Keene Five Cent Savings Bank, petitioner, *v.* Frederick Herbert Ramsden. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Otto R. Barnett in behalf of Mr. Frank Hagerman for the petitioners, and by Mr. John A. Eaton for the respondents.

No. 98. C. P. Cook et al., plaintiffs in error, *v.* The County of Marshall, Iowa; and

No. 150. R. E. Hodge et al., plaintiffs in error, *v.* Muscatine County et al. Argument continued by Mr. Junius Parker for the plaintiffs in

error, by Mr. Ed. P. Ingham for the defendants in error in No. 150, and by Mr. F. E. Northup for the defendant in error in No. 98, and concluded by Mr. Junius Parker for the plaintiffs in error.

No. 99. Henry Muhlker, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Argument commenced by Mr. Elihu Root for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 13, will be as follows: Nos. 99, 235, 100, 102 (and 88), 104, 105, 106, 109, 110 and 111.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 13, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

George S. Wright of Council Bluffs, Iowa, was admitted to practice.

No. 110. *D. D. Lucius, appellant, v. The Cawthon-Coleman Company.* Submitted by Mr. Harry Pillans for the appellant. No counsel appeared for the appellee.

No. 99. *Henry Muhlker, plaintiff in error, v. The New York and Harlem Railroad Company et al.* Argument continued by Mr. Elihu Root for the plaintiff in error, and by Mr. Ira A. Place for the defendants in error, and concluded by Mr. Elihu Root for the plaintiff in error.

No. 235. *Samuel M. Clyatt v. The United States.* Writ of certiorari to bring up the entire record and cause granted, and record presented with petition taken as a return to said writ. Argument commenced by Mr. William G. Brantley for Clyatt.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 14, will be as follows: Nos. 235, 100, 102 (and 88), 104, 105, 106, 109, 111, 112 and 113 (and 114).

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 14, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

John I. Hall of Macon, Ga., William C. Adamson of Carrollton, Ga., William Wallace Lambdin of Barnesville, Ga., and Hiram E. Booth of Salt Lake City, Utah, were admitted to practice.

No. 235. Samuel M. Clyatt *v.* The United States. Argument continued by Mr. William G. Brantley for Clyatt, and by Mr. Attorney-General Moody for the United States, and concluded by Mr. A. O. Bacon for Clyatt. Leave granted to file additional brief for Clyatt within ten days, and for the United States within five days thereafter.

No. 100. Union Stock Yards Company of Omaha *v.* The Chicago, Burlington and Quincy Railroad Company. Argument commenced by Mr. Frank T. Ransom for the Union Stock Yards Company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 15, will be as follows: Nos. 100, 102 (and 88), 104, 105, 106, 109, 111, 112, 113 (and 114) and 115.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 15, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Benjamin H. Miller of Libertyville, Ill., was admitted to practice.

No. 100. Union Stock Yards Company of Omaha *v.* The Chicago, Burlington and Quincy Railroad Company. Argument continued by Mr. F. T. Ransom for the Union Stock Yards Company, by Mr. Charles J. Greene for the Chicago, Burlington and Quincy Railroad Company, and concluded by Mr. F. T. Ransom for the Union Stock Yards Company.

Nos. 102 and 88. The Northern Pacific Railway Company, plaintiff in error, *v.* William S. Ely et al. Submitted by Mr. Charles W. Bunn and Mr. James B. Kerr for the plaintiff in error, and by Mr. Harold Preston and Mr. W. E. Cullen for the defendant in error.

No. 104. Henry Dallemagne, consul-general of the Republic of France, appellant, *v.* Jean François Moisan. Submitted by Mr. Walter V. R. Berry and Mr. Benjamin S. Minor for appellant, with leave to counsel for appellee to file brief within thirty days, and to counsel for appellant to reply thereto within fifteen days thereafter.

No. 105. J. O. Comstock, appellant, *v.* William L. Eagleton. Submitted by Mr. Andrew Wilson and Mr. Noel W. Barksdale for the appellant. No counsel appeared for the appellee.

No. 106. Samuel A. V. Hartwell, appellant, *v.* John A. Havighorst. Argument commenced by Mr. William C. Prentiss for the appellant, continued by Mr. A. G. C. Bierer for the appellee, and concluded by Mr. William C. Prentiss for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 16, will be as follows: Nos. 109, 111, 112, 113 (and 114), 115, 116, 117, 118, 119 and 120.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 16, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Lloyd Cleveland of Griffin, Ga., J. H. Hazelrigg of Frankfort, Ky., Charles E. Day of Morehead, Ky., Wallace Alexander Wise of San Francisco, Cal., and William J. Barnard of Paw Paw, Mich., were admitted to practice.

No. 109. The Butte City Water Company, plaintiff in error, *v.* Ben Baker. Argued by Mr. L. Orvis Evans for the plaintiff in error, and submitted by Mr. Robert B. Smith for the defendant in error.

No. 111. The Central of Georgia Railway Company, plaintiff in error, *v.* A. O. Murphy et al. Argument commenced by Mr. John I. Hall for the plaintiff in error, continued by Mr. William Wallace Lambdin for the defendants in error, and concluded by Mr. John I. Hall for the plaintiff in error.

No. 112. Harvey Fullerton, plaintiff in error, *v.* The State of Texas. Argument commenced by Mr. W. W. Griffin for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 19, 1904.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

James F. Glen of Tampa, Fla., Reynolds D. Brown of Philadelphia, Pa., John Taylor Houx of San Francisco, Cal., Robert F. Able of Leesville, S. C., and Isidor Wasservogel of New York City were admitted to practice.

No. 56. William B. Wetmore, plaintiff in error, *v.* Annette B. Markoe (formerly Annette B. W. Wetmore). In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 61. George F. Harding, plaintiff in error, *v.* The People of the State of Illinois. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 81. T. B. Lee, jr., plaintiff in error, *v.* H. S. Robinson. In error to the circuit court of the United States for the district of South Carolina. Judgment affirmed with costs and interest. Opinion by Mr. Justice Holmes.

No. 48. The Texas and Pacific Railway Company, plaintiff in error, *v.* W. W. Swearingen. In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Texas. Opinion by Mr. Justice White.

No. 55. Andrew C. Keely, trustee, et al., plaintiffs in error, *v.* Joseph H. Moore et al. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 65. Martha I. Hunt, plaintiff in error, *v.* The Springfield Fire and Marine Insurance Company. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 5, Original. The State of Missouri, complainant, *v.* The State of Nebraska. Decree ordered in favor of defendant. Opinion by Mr. Justice Harlan.

Nos. 32 and 87. W. O. Johnson, petitioner and plaintiff in error, *v.* Southern Pacific Company. On writ of certiorari and in error to the United States circuit court of appeals for the eighth circuit. Judgment of the United States circuit court of appeals and of the circuit court of the United States for the district of Utah reversed with costs, and cause remanded to said circuit court with directions to set aside the verdict and award a new trial. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court :

No. 106. Samuel A. V. Hartwell, appellant, *v.* John H. Havighorst. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs. *Johnson v. Towsley*, 13 Wall., 72; *Marquez v. Frisbie*, 101 U. S., 473; *Quinby v. Conlan*, 104 U. S., 420; *Gardner v. Bonestell*, 180 U. S., 362; *Potter v. Hall*, 189 U. S., 292; *Payne v. Robertson*, 169 U. S., 323. Case reported below 11 Okl., 189, and see *Paine v. Foster*, 9 Okl., 213, 257; *Acers v. Snyder*, 8 Okl., 659.

No. 139. The First National Bank of Chicago et al., petitioners, *v.* The Chicago Title and Trust Company, trustee, et al. Motion to quash the writ of certiorari postponed to the hearing on the merits.

No. 308. John A. Benson, appellant, *v.* William Henkel, United States marshal, etc. Motion to advance granted, and case assigned for argument on Monday, February 20 next.

No. 406. Frederick A. Hyde, appellant, *v.* John H. Shine, United States marshal, etc., et al.; and

No. 410. Henry P. Dimond, appellant, *v.* John H. Shine, United States marshal, etc. Motion to advance granted, and cases assigned for argument on Monday, February 20, after the case already set down for that day.

No. 419. The Territory of New Mexico ex rel. Caledonian Coal Company, appellant, *v.* Benjamin S. Baker, associate justice, etc. Motion to advance granted, and case assigned for Monday, January 23 next.

No. 454. James L. Lombard, petitioner, *v.* Anglo-American Land Mortgage and Agency Company (Limited);

No. 455. B. Lombard, jr., petitioner, *v.* Anglo-American Land Mortgage and Agency Company (Limited);

No. 456. Cheshire Provident Institution, petitioner, *v.* Frederick Herbert Ramsden; and

No. 457. Keene Five Cent Savings Bank, petitioner, *v.* Frederick Herbert Ramsden. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 354. George W. Beavers, appellant, *v.* Charles J. Haubert, United States marshal, et al.; and

No. 355. George W. Beavers, appellant, *v.* Charles J. Haubert, United States marshal. Advanced and assigned for argument on Monday, February 20, after the cases already set down for that day, on motion of Mr. Solicitor-General Hoyt for the appellees.

No. 413. The United States, petitioner, *v.* Morris Whitridge et al., etc. Advanced and assigned for argument on Monday, January 23, after the case already set down for that day, on motion of Mr. Solicitor-General Hoyt for the petitioner.

No. 292. Joseph Lochner, plaintiff in error, *v.* The People of the State of New York. Motion to advance submitted by Mr. Frank Harvey Field for the plaintiff in error.

No. 299. Beryl F. Carroll, auditor, etc., appellant, *v.* The Greenwich Insurance Company of New York et al. Motion to advance submitted by Mr. Chapman W. Maupin in behalf of counsel for the appellant.

No. —, Original. *Ex parte*: In the matter of The Commonwealth of Massachusetts, petitioner. Motion for leave to file petition for writs of prohibition, certiorari and mandamus submitted by Mr. F. H. Nash for the petitioner. Leave granted to file brief in support of motion within five days, and to file reply thereto within five days thereafter.

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Motion and stipulation to extend time for taking testimony to March 1, 1906, submitted by Mr. H. H. Ward for the defendant.

No. 18. The Creed and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel Mining and Transportation Company. Reassigned for reargument on Monday, January 9, on motion of Mr. J. S. Flannery in behalf of counsel.

No. 300. Banquero & Gandara et al., appellants, *v.* A. Rauschenplat. Appeal from the district court of the United States for the district of Porto Rico. Dismissed with costs, and mandate granted, on motion of Mr. J. S. Flannery for the appellants.

No. 470. Edward E. Bessette, petitioner, *v.* The W. B. Conkey Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. W. V. Rooker for the petitioner, with leave to the respondent to file brief within one week, and to petitioner to reply thereto within five days thereafter.

No. —, Original. Ex parte: In the matter of Edward E. Bessette, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. W. V. Rooker for the petitioner.

Adjourned until Tuesday, January 3, 1905, at 12 o'clock.

The day call for Tuesday, January 3, will be as follows: Nos. 275, 360 (and 361), 314 (and 315 and 316), 184, 113 (and 114), 115, 116, 117, 118 and 103.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 3, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Robert W. McCoy of Columbus, Ohio, Frederick L. Kahle of Pittsburg, Pa., James L. Minnis of St. Louis, Mo., W. E. King of Columbus, Ohio, and Appleton L. Clark of New York City were admitted to practice.

No. 40. Adolfo Sixto, plaintiff in error, *v. Laureana Sarria*. In error to the district court of the United States for the district of Porto Rico. Judgment reversed with costs, and cause remanded for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 29. The City of Seattle, appellant, *v. Daniel Kelleher*, administrator of John W. Thompson, deceased. Decree of November 28, 1904, modified by striking out the order to dismiss the bill and by remanding the cause for further proceedings in accordance with the opinion of this court. Announced by Mr. Justice Holmes.

No. 62. Abraham Wolff, plaintiff in error, *v. The District of Columbia*. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 71. John J. Moore, as J. J. Moore & Co., appellant, *v. The United States*. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to enter judgment for claimant in the sum of \$1,120.87. Opinion by Mr. Justice McKenna.

No. 72. Thomas L. Hartigan, appellant, *v. The United States*. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 110. D. D. Lucius, appellant, *v. The Cawthon-Coleman Company*. Appeal from the district court of the United States for the southern district of Alabama. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 67. The American Express Company et al., plaintiffs in error, *v.* The State of Iowa. In error to the supreme court of the State of Iowa. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 82. Adams Express Company, plaintiff in error, *v.* The State of Iowa. In error to the supreme court of the State of Iowa. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 69. The Chicago, Indianapolis and Louisville Railway Company, plaintiff in error, *v.* Patrick McGuire et al. In error to the appellate court of the State of Indiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 94. The United States, appellant, *v.* Charles M. Thomas; and

No. 95. Charles M. Thomas, appellant, *v.* The United States. Judgment of December 5, 1904, amended by remanding the case with directions to reinstate the original judgment for \$97.42. Announced by Mr. Justice Brown.

No. 52. Sallie Field Scott et al., appellants, *v.* Lizzie W. Carew et al. Appeal from the United States circuit court of appeals for the fifth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of Florida. Opinion by Mr. Justice Brewer.

No. 73. The First National Bank of Jacksboro, plaintiff in error, *v.* J. L. Lasater. In error to the court of civil appeals of the second supreme judicial district of the State of Texas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brewer.

No. 109. The Butte City Water Company, plaintiff in error, *v.* Ben Baker. In error to the supreme court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 93. M. H. Courtney, appellant, *v.* Louis A. Pradt, executor, etc., et al. Appeal from the circuit court of the United States for the eastern district of Kentucky. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 97. A. L. Smalley et al., plaintiffs in error, *v.* George F. Lauge-nour et al. In error to the supreme court of the State of Washington. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 105. J. O. Comstock, appellant, *v.* William L. Eagleton. Appeal from the supreme court of the Territory of Oklahoma. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 1, Original. The State of New Jersey, complainant, *v.* The State of Delaware. Motion for extension of time for taking testimony, etc., granted.

No. 15, Original. *Ex parte*: In the matter of the Commonwealth of Massachusetts, petitioner. Motion for leave to file petition for writs of prohibition, certiorari and mandamus granted, and rule awarded returnable February 20 next.

No. 292. Joseph Lochner, plaintiff in error, *v.* The People of the State of New York. Motion to advance granted, and cause assigned for argument on Monday, February 20 next, after the cases already set down for that day.

No. 299. Beryl F. Carroll, auditor, etc., appellant, *v.* The Greenwich Insurance Company of New York et al. Motion to advance denied.

No. 470. Edward E. Bessette, petitioner, *v.* The W. B. Conkey Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. —, Original. *Ex parte*: In the matter of Edward E. Bessette, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 485. Charles H. Brooks, appellant, *v.* The United States. Appeal from the circuit court of the United States for the southern district of California. Docketed and dismissed, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 184. The United States, appellant, *v.* John Smith. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Hoyt for the appellant.

No. 340. Calvin R. Nutt et al., plaintiffs in error, *v.* S. Prentiss Knut et al. Motions to dismiss or affirm submitted by Mr. S. Prentiss Knut in behalf of Mr. Thomas C. Catchings and Mr. O. W. Catchings in support of motions, and by Mr. A. S. Worthington in opposition thereto.

No. 486. Carl C. L. Wulff, appellant, *v.* L. Lindsay et al. Appeal from the supreme court of the Territory of Arizona. Docketed and dismissed with costs, on motion of Mr. Charles L. Frailey for the appellees.

No. —, Original. *Ex parte*: In the matter of Thomas E. Barrett, petitioner;

No. —, Original. *Ex parte*: In the matter of John P. Dolan, petitioner; and

No. —, Original. *Ex parte*: In the matter of Frank Garrett, petitioner. Motions for leave to file petitions for writs of habeas corpus submitted by Mr. Chester H. Krum and Mr. James L. Minnis for the petitioners.

No. 475. Shewan, Tomes & Co., claimants, etc., petitioners, *v.* Merchant Banking Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Appleton L. Clark and Mr. Harrington Putnam for the petitioners, and by Mr. Frederick M. Brown for the respondent.

No. 99. Henry Muhlker, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Leave to file an additional brief for defendants in error herein granted, on motion of Mr. James Russell Soley in behalf of counsel, and to counsel for plaintiff in error to file reply thereto within five days, on motion of Mr. James C. Bushby for plaintiff in error.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Leave to file an amended bill of complaint herein on or before March 15 next granted, on motion of Mr. William C. Prentiss in behalf of counsel for the complainant, the defendant to file answer thereto within sixty days thereafter.

No. 314. The United States, appellant, *v.* Jock Coe;

No. 315. The United States, appellant, *v.* Bong Meng; and

No. 316. The United States, appellant, *v.* Woo Joe. Submitted by Mr. Assistant Attorney-General McReynolds for the appellant. No brief filed for appellees.

No. 275. The United States, appellant, *v.* The Harvey Steel Company. Argument commenced by Mr. Assistant Attorney-General Pradt for the appellant and continued by Mr. James Russell Soley and Mr. Frederic H. Betts for the appellees, and by Mr. Assistant Attorney-General Pradt for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 4, will be as follows: Nos. 275, 360 (and 361), 113 (and 114), 115, 116, 117, 118, 103, 119 and 120.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 4, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

William J. Witzenbacher of Hagerstown, Md., was admitted to practice.

No. 275. The United States, appellant, *v.* The Harvey Steel Company. Argument concluded by Mr. Assistant Attorney-General Pradt for the appellant.

No. 360. The Scottish Union and National Insurance Company, appellant, *v.* Willis G. Bowland, treasurer, et al.; and

No. 361. Willis G. Bowland, treasurer, et al., appellants, *v.* The Scottish Union and National Insurance Company. Argument commenced by Mr. Judson Harmon for the insurance company, and continued by Mr. Augustus T. Seymour for Bowland et al., and by Mr. Hartwell Cabell for the insurance company.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 5, will be as follows: Nos. 360 (and 361), 113 (and 114), 115, 116, 117, 118, 103, 119, 120 and 121.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 5, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Elizur G. Johnson of Elyria, Ohio, John Morris, jr., of Fort Wayne, Ind., John C. Royer of Tiffin, Ohio, Richard J. Cooney of Chicago, Ill., and George P. Costigan, jr., of Denver, Colo., were admitted to practice.

No. 232. Western Tie and Timber Company, appellant, *v.* Ben A. Brown, trustee, etc. Submitted pursuant to the twentieth rule by Mr. Joseph Wheless for the appellant, and by Mr. John M. Moore for the appellee.

No. 360. The Scottish Union and National Insurance Company, appellant, *v.* Willis G. Bowland, treasurer, et al.; and

No. 361. Willis G. Bowland, treasurer, et al., appellants, *v.* The Scottish Union and National Insurance Company. Argument concluded by Mr. Hartwell Cabell for the insurance company.

No. 113. The City of Covington et al., appellants, *v.* The First National Bank of Covington, Ky.; and

No. 114. The First National Bank of Covington, Ky., appellant, *v.* The City of Covington et al. Argument commenced by Mr. S. D. Rouse for the bank, continued by Mr. F. J. Hanlon and Mr. J. H. Hazelrigg for the City of Covington et al., and concluded by Mr. Edmund F. Tra-bue for the bank.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 6, will be as follows: Nos. 115, 116, 117, 118, 103, 119, 120, 121, 122 and 123.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 6, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Frederic J. Mullins of Salem, Ohio, and Earl W. Evans of Wichita, Kans., were admitted to practice.

No. 115. Harry Donovan et al., petitioners, *v.* Pennsylvania Company. Argument commenced by Mr. Richard J. Cooney for the petitioners, continued by Mr. Edgar A. Bancroft for the respondent, and concluded by Mr. Richard J. Cooney for the petitioners.

No. 116. Guilford B. Keppel, trustee, *v.* Tiffin Savings Bank. Argued by Mr. John C. Royer for Keppel, and submitted by Mr. George E. Seney and Mr. John L. Lott for the bank.

No. 117. Frank D. Thompson, trustee, etc., plaintiff in error, *v.* Henry Fairbanks. Submitted by Mr. Edward H. Deavitt for the plaintiff in error, and by Mr. C. A. Prouty for the defendant in error.

No. 118. The Northern Pacific Railway Company, plaintiff in error, *v.* August Hasse et al. Submitted by Mr. Charles W. Bunn and Mr. James B. Kerr for the plaintiff in error. No brief filed for defendants in error.

No. 103. Swift & Co. et al., appellants, *v.* The United States. Argument commenced by Mr. John S. Miller for the appellants, and continued by Mr. Attorney-General Moody for the appellee.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 9, will be as follows: Nos. 103, 18, 119, 120, 121, 122, 123, 124, 125 and 126.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 9, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

D. H. Wenger of Salt Lake City, Utah, Emerson Hall Smith of Fargo, N. Dak., Alexander S. Bacon of New York City, Hansford B. Griffith of San Francisco, Cal., Edwin P. Hanna of Washington, D. C., Frank R. Wehe of San Francisco, Cal., Arthur M. Hood of Indianapolis, Ind., and Jonathan S. Green of Pittsburg, Pa., were admitted to practice.

No. 100. Union Stock Yards Company of Omaha *v.* The Chicago, Burlington and Quincy Railroad Company. On a certificate from the United States circuit court of appeals for the eighth circuit. Question certified answered in the negative. Opinion by Mr. Justice Day.

No. 228. Luther Clay Slavens, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 84. Wesley E. Travis, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 68. The United States, appellant, *v.* The United Verde Copper Company. Appeal from the supreme court of Arizona Territory. Decree affirmed. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brown, Mr. Justice Harlan and Mr. Justice Peckham.

No. 111. The Central of Georgia Railway Company, plaintiff in error, *v.* A. O. Murphy et al., partners doing business as A. O. Murphy & Hunt. In error to the supreme court of the State of Georgia. Judgment reversed with costs, and cause remanded for such further proceedings as may be consistent with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 112. Harvey Fullerton, plaintiff in error, *v.* The State of Texas. In error to the court of criminal appeals of the State of Texas. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 314. The United States, appellant, *v.* Jock Coe;

No. 315. The United States, appellant, *v.* Bong Meng; and

No. 316. The United States, appellant, *v.* Woo Joe. Appeals from the district court of the United States for the northern district of Ohio. Final orders and decrees reversed, and causes remanded for further proceedings in conformity to law. United States, petitioner, 194 U. S., 194; Fong Yue Ting *v.* United States, 149 U. S., 698; Chin Bak Kan *v.* United States, 186 U. S., 193; Ah How *v.* United States, 193 U. S., 65; United States *v.* Sing Tuck, 194 U. S., 161.

No. —, Original. *Ex parte*: In the matter of Thomas E. Barrett, petitioner;

No. —, Original. *Ex parte*: In the matter of John P. Dolan, petitioner; and

No. —, Original. *Ex parte*: In the matter of Frank Garrett, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

No. 340. Calvin R. Nutt et al., plaintiffs in error, *v.* S. Prentiss Knut et al. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 475. Shewan Tomes & Co., petitioner, *v.* Merchants' Banking Company (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 71. John J. Moore, etc., appellant, *v.* The United States. Mandate granted, on motion of Mr. W. W. Dudley for the appellant.

No. 471. The City of Davenport, petitioner, *v.* William Russell Allen et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. J. S. Flannery in behalf of Mr. Joe R. Lane for the petitioner, and by Mr. F. N. Judson for respondent.

No. 124. William R. Lytle, appellant, *v.* Adolphus Gerald, chief of police of the city of Montgomery, Ala. Appeal from the circuit court of the United States for the middle district of Alabama. Dismissed with costs, pursuant to the tenth rule.

No. 103. Swift & Co. et al., appellants, *v.* The United States. Argument continued by Mr. Attorney-General Moody for the appellee, and concluded by Mr. John S. Miller for the appellants.

No. 14, Original. *Ex parte*: In the matter of Albert Heff, petitioner. Argument commenced by Mr. A. E. Crane for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 10, will be as follows: Nos. 18, 119, 120, 121, 122, 123, 125, 126, 127 and 128.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 10, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

John R. Aitken of San Francisco, Cal., Joseph Fettretch of New York City and Edward A. Lane of Pittsfield, N. H., were admitted to practice.

No. 477. Bertha Doctor et al., appellants, *v.* John J. Harrington et al. Advanced under the thirty-second rule, on motion of Mr. Thomas H. Clark in behalf of counsel for the appellants.

No. 14, Original. *Ex parte*: In the matter of Albert Heff, petitioner. Argument continued by Mr. A. E. Crane for the petitioner, by Mr. Solicitor-General Hoyt for the respondent, and concluded by Mr. A. E. Crane for the petitioner. Leave granted to counsel for both sides to file additional briefs within five days.

No. 18. The Creede and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel Mining and Transportation Company. Reargument commenced by Mr. Charles S. Thomas for the petitioner, and continued by Mr. J. C. Helm as *amicus curiæ* (by special leave) and by Mr. Charles J. Hughes, jr., for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 11, will be as follows: Nos. 18, 119, 120, 121, 122, 123, 125, 126, 127 and 128.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 11, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Charles Fuller of New York City, Frank Dale of Guthrie, Okla., William R. Ramsey of Denver, Colo., and Frederick L. Cornwell of Mayaguez, Porto Rico, were admitted to practise.

No. 18. The Creede and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel Mining and Transportation Company. Reargument continued by Mr. Charles J. Hughes, jr., for the respondent, and concluded by Mr. Charles S. Thomas for the petitioner.

No. 119. Isaac N. E. Allen et al., plaintiffs in error, *v.* The Alleghany Company. Argument commenced by Mr. Alexander S. Bacon for the plaintiffs in error, continued by Mr. James A. Gordon for the defendant in error, and concluded by Mr. Alexander S. Bacon for the plaintiffs in error. Leave granted to counsel to file additional briefs on or before Monday next.

No. 120. Giovanni Lavagnino, plaintiff in error, *v.* Edmund H. Uhlig et al. Argument commenced by Mr. A. B. Browne for the plaintiff in error, and continued by Mr. D. H. Wenger for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 12, will be as follows: Nos. 120, 121 (and 122), 123, 125, 126, 127, 128, 129, 130 and 131.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 12, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

S. Gordon Cumming of Hampton, Va., John W. Scothorn of Guthrie, Okla., B. W. Langdon of Lafayette, Ind., and John H. Chandler of Louisville, Ky., were admitted to practice.

No. 127. Sotirios S. Lontos Charalambis, appellant, *v.* William Williams, commissioner of immigration, etc. Passed temporarily, on motion of Mr. Assistant Attorney-General McReynolds for the appellee.

No. 120. Giovanni Lavagnino, plaintiff in error, *v.* Edmund H. Uhlig et al. Argument continued by Mr. D. H. Wenger for the defendants in error, and concluded by Mr. A. B. Browne for the plaintiff in error.

No. 121. P. L. Flanigan, petitioner, *v.* The County of Sierra. Argument commenced by Mr. C. C. Cole for the petitioner, continued by Mr. Frank R. Wehe for the respondent, and concluded by Mr. C. C. Cole for the petitioner.

No. 122. D. E. Wheeler et al., petitioners, *v.* The County of Plumas. Submitted by Mr. C. C. Cole and Mr. J. C. Campbell for the petitioners, and by Mr. M. S. Webb and Mr. C. N. Post for the respondent.

No. 123. John Rooney, plaintiff in error, *v.* The State of North Dakota. Argument commenced by Mr. Burleigh F. Spalding for the plaintiff in error, continued by Mr. Emerson Hall Smith for the defendant in error, and concluded by Mr. Burleigh F. Spalding for the plaintiff in error.

No. 125. United States of America *v.* The Montana Lumber and Manufacturing Company et al. Argument commenced by Mr. M. C. Burch for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 13, will be as follows: Nos. 125, 126, 128, 129, 130, 131, 132, 133, 134 and 135.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 13, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

George W. Peterson of Long Prairie, Minn., D. C. Lewis of Oklahoma City, Okla., Walter F. Taylor of New York City, and Allen W. Comstock of Ponca City, Okla., were admitted to practice.

No. 125. *United States of America v. The Montana Lumber and Manufacturing Company et al.* Argument concluded by Mr. M. C. Burch for the United States. No counsel appeared for the Montana Lumber and Manufacturing Company et al.

No. 126. *Martha S. Munsey, plaintiff in error, v. M. Swain Clough, sheriff of Merrimack County.* Argued by Mr. Edward A. Lane for the plaintiff in error, and submitted by Mr. Edwin G. Eastman for the defendant in error.

No. 128. *The Oceanic Steam Navigation Company (Limited), petitioner, v. John W. Aitken et al.* Argument commenced by Mr. Everett P. Wheeler for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 16, will be as follows: Nos. 128, 129, 130, 131, 132, 133, 134, 135, 136 and 137.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 16, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

David Milliken of New York City, Anton H. Classen of Oklahoma City, Okla., William P. Richardson of Phoenix, Ariz., Ferdinand E. M. Bullova of New York City, Charles W. Morse of Salt Lake City, Utah, N. W. Norton of Forrest City, Ark., Richard W. Young of Salt Lake City, Utah, Frederick W. McReynolds of Washington, D. C., and W. M. McCarty of Salt Lake City, Utah, were admitted to practice.

No. 275. *The United States, appellant, v. The Harvey Steel Company.* Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 384. Joseph Ralph Burton, petitioner, *v. The United States.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied. Announced by Mr. Justice Peckham.

No. 343. Joseph Ralph Burton, plaintiff in error, *v. The United States.* In error to the district court of the United States for the eastern district of Missouri. Judgment reversed, and cause remanded with directions to grant a new trial. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 98. C. P. Cook et al., plaintiffs in error, *v. The County of Marshall, Iowa.* In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Brown. Mr. Justice White concurs in the result. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brewer and Mr. Justice Peckham.

No. 150. R. E. Hodge et al., plaintiffs in error, *v. Muscatine County et al.* In error to the supreme court of the State of Iowa. Judgment affirmed with costs. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brewer and Mr. Justice Peckham.

No. 362. The Madisonville Traction Company, appellant, *v.* The Saint Bernard Mining Company. Appeal from the circuit court of the United States for the western district of Kentucky. Decree affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Holmes, Mr. Chief Justice Fuller, Mr. Justice Brewer and Mr. Justice Peckham.

The Chief Justice announced the following order of the court:

No. 471. The City of Davenport, petitioner, *v.* William Russell Allen et al. Petition for writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 251. The United States ex rel. Martin A. Knapp et al., Interstate Commerce Commissioners, plaintiffs in error, *v.* The Lake Shore and Michigan Southern Railway Company. Motion to advance submitted by Mr. Solicitor-General Hoyt in support of motion, and by Mr. George C. Greene in opposition thereto.

No. 189. F. M. Wirgman et al., appellants, *v.* H. H. Persons et al., receivers, etc. Motions to dismiss or affirm submitted by Mr. Morris Morey in support of motions, and by Mr. F. H. Busbee in opposition thereto. Petition for a writ of certiorari submitted by Mr. F. H. Busbee in support of petitioners, and by Mr. Morris Morey in opposition thereto.

No. 465. Charles W. Morse et al., petitioners, *v.* Reading Company, claimant, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Walter F. Rogers in behalf of Mr. Eugene P. Carver and Mr. E. E. Blodgett for the petitioners, and by Mr. R. M. Morse and Mr. W. M. Richardson for the respondent.

No. 488. Augustus L. Shaffer, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Henry E. Davis, Mr. D. W. Baker and Mr. Wilton J. Lambert for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 142. Royal Insurance Company, plaintiff in error, *v.* Robert Miller, special master, etc. Passed, to be restored to the call subject to the provisions of section 9, rule 26, on motion of Mr. J. S. Flannery for the plaintiff in error.

No. 190. The Hartford Fire Insurance Company of Connecticut et al., appellants, *v.* John C. Perkins, commissioner of insurance. Motion to continue submitted by Mr. F. W. McReynolds for the appellants.

No. 132. The Territory of Oklahoma ex rel. Oklahoma Gas and Electric Company, appellant, *v.* J. E. De Wolfe et al. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs, on authority of counsel for the appellant.

No. 411. The Hamburg-American Steamship Company, plaintiff in error, *v.* Minnie Grube, as administratrix, etc. Motion to dismiss or affirm submitted by Mr. Gilbert D. Lamb in support of motions, and by Mr. Everett P. Wheeler in opposition thereto.

No. 128. The Oceanic Steam Navigation Company (Limited), petitioner, *v.* John W. Aitken et al. Argument continued by Mr. Everett P. Wheeler for the petitioner, by Mr. Wilhelmus Mynderse and Mr. Walter F. Taylor for the respondents, and concluded by Mr. Everett P. Wheeler for the petitioner.

No. 129. Sallie J. McDaniel et al., appellants, *v.* George M. Traylor et al. Submitted by Mr. G. B. Webster for the appellants, and by Mr. N. W. Norton for the appellees.

No. 130. Howe Scale Company of 1886 et al. *v.* Wyckoff, Seamans & Benedict. Argument commenced by Mr. Henry D. Donnelly for Wyckoff, Seamans & Benedict.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 17, will be as follows: Nos. 130, 131, 133, 134, 135, 136, 137, 138, 139 and 140.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 17, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

George Donworth of Seattle, Wash., was admitted to practice.

No. 190. The Hartford Fire Insurance Company of Connecticut et al., appellants, *v.* John C. Perkins, commissioner of insurance. Appeal from the circuit court of the United States for the district of South Dakota. Dismissed with costs, and mandate granted, on motion of Mr. F. W. McReynolds for the appellants.

No. 138. Susan A. Ramsey, plaintiff in error, *v.* The Tacoma Land Company et al. Submitted by Mr. John F. Shafroth for the plaintiff in error, and by Mr. S. Warburton for the defendants in error.

No. 130. Howe Scale Company of 1886 et al., petitioners, *v.* Wyckoff, Seamans & Benedict. Argument continued by Mr. H. D. Donnelly for Wyckoff, Seamans & Benedict, and by Mr. George P. Fisher, jr., and Mr. Austen G. Fox for the Howe Scale Company of 1886 et al., and concluded by Mr. Edmund Wetmore for Wyckoff, Seamans & Benedict. Leave granted to counsel for Wyckoff, Seamans & Benedict to file an additional brief within three days, and to the other side to file reply thereto.

No. 131. William H. McCaffrey et al., appellants, *v.* Lizzie C. Manogue et al. Argument commenced by Mr. A. A. Birney for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 18, will be as follows: Nos. 131, 133, 134, 135, 136, 137, 139, 140, 141 and 143.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 18, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

John R. Thayer of Worcester, Mass., James G. Elsdon of Chicago, Ill., Orestes C. Pinney of Cleveland, Ohio, and James H. Beal of Pittsburg, Pa., were admitted to practice.

No. 131. William H. McCaffrey et al., appellants, *v.* Lizzie C. Manogue et al. Argument continued by Mr. A. A. Birney for the appellants, by Mr. Edwin Forrest and Mr. A. A. Hoehling, jr., for the appellees, and concluded by Mr. O. B. Hallam for the appellants.

No. 133. Walter W. Small, plaintiff in error, *v.* Samuel O. Rakestraw. Argued by Mr. George A. King for the appellant. No counsel appeared for the appellee.

No. 134. Florida McGuire et al., petitioners, *v.* William A. Blount et al. Submitted by Mr. Benjamin Micou and Mr. Hilary A. Herbert for the petitioners, and by Mr. William A. Blount and Mr. A. C. Blount, jr., for the respondents. Leave granted to counsel for respondents to file an additional brief, and to counsel for petitioners to file reply thereto, within one week.

No. 135. George S. Whitaker et al., plaintiffs in error, *v.* Thomas McBride et al. Submitted by Mr. M. P. Kinkaid for the defendants in error, with leave to counsel for plaintiffs in error to file brief within three days.

No. 136. The United States, appellant, *v.* Albert C. Engard. Argument commenced by Mr. John Q. Thompson for the appellant, and concluded by Mr. William B. King for the appellee.

No. 147. The City of Oklahoma City, plaintiff in error, *v.* Frank McMaster. Argument commenced by Mr. Frank Dale for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 19, will be as follows: Nos. 137, 139, 140, 141, 143, 144 to 148, 149, 152, 153 and 154.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 19, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Ralph Nathan of New York City, Frank Sprigg Perry of Washington, D. C., Henry M. Owens of San Francisco, Cal., S. B. Dishman of Barboursville, Ky., and John P. Tillman of Birmingham, Ala., were admitted to practice.

No. 275. The United States, appellant, *v.* The Harvey Steel Company. Mandate granted, on motion of Mr. A. B. Browne in behalf of counsel for appellee.

No. 137. The City of Oklahoma City, plaintiff in error, *v.* Frank McMaster. Argument continued by Mr. Chester Howe for the defendant in error, and concluded by Mr. Frank Dale for the plaintiff in error.

No. 139. The First National Bank of Chicago et al., petitioners, *v.* The Chicago Title and Trust Company, trustee, et al. Argument commenced by Mr. Henry S. Robbins for the petitioners, and continued by Mr. Joseph E. Paden for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 20, will be as follows: Nos. 139, 140, 141, 143, 144 to 148, 149, 152, 153, 154 and 155.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 20, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Francis G. Hamer of Kearney, Nebr., Howard N. Ogden of Chicago, Ill., Harvey Lantz of Chicago, Ill., A. K. Sills of Monticello, Ind., Clement R. Lamson of Boston, Mass., and William Brennan of Buffalo, N. Y., were admitted to practice.

No. 155. Robert Philpot, appellant, *v.* Fulton O'Brion et al. Appeal from the United States circuit court of appeals for the first circuit. Dismissed with costs, pursuant to the tenth rule.

No. 139. The First National Bank of Chicago et al., petitioners, *v.* The Chicago Title and Trust Company, trustee, et al. Argument continued by Mr. Joseph E. Paden and Mr. Newton Wyeth for the respondents, and concluded by Mr. Henry S. Robbins for the petitioners.

No. 140. Ng Hong Li, appellant, *v.* The United States. Argument commenced by Mr. Max J. Kohler for the appellant, continued by Mr. Assistant Attorney-General Robb for the appellee, and concluded by Mr. Max J. Kohler for the appellant.

No. 141. Winfield S. Gregg, petitioner, *v.* The Metropolitan Trust Company et al. Argument commenced by Mr. Harlan Cleveland for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 23, will be as follows: Nos. 141, 143, 144 to 148, 149, 152, 153, 154, 419, 413 and 92.



SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 23, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Joseph E. Cockrell of Dallas, Tex., W. Tudor Ap Madoc of Chicago, Ill., Jacob T. Choate of Amesbury, Mass., L. P. Cunningham of Joplin, Mo., Francis Woodbridge of New York City, James M. Dohan of Philadelphia, Pa., S. G. Cosgrove of Pomeroy, Wash., Peter Francis Dunne of San Francisco, Cal., John B. Simmons of Racine, Wis., John K. Newhall of Aurora, Ill., Vincent J. Walsh of Chicago, Ill., and Lee M. Friedman of Boston, Mass., were admitted to practice.

No. 96. The United States, appellant, *v.* Walter S. Crosley. Appeal from the Court of Claims. Judgment modified and affirmed. Opinion by Mr. Justice Day.

No. 123. John Rooney, plaintiff in error, *v.* The State of North Dakota. In error to the supreme court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. 140. Ng Hong Li, appellant, *v.* The United States. Appeal from the district court of the United States for the eastern district of New York. Judgment affirmed, on the authority of *Ah How v. United States*, 193 U. S., 65, and cases cited.

No. 189. F. M. Wirgman et al., appellants, *v.* H. H. Persons et al., receivers, etc. Appeal from the United States circuit court of appeals for the fourth circuit. Dismissed for the want of jurisdiction. *United States v. Jahn*, 155 U. S., 110; *McLesh v. Roff*, 141 U. S., 661; *Robinson v. Caldwell*, 165 U. S., 359; *American Sugar Refining Company v. New Orleans*, 181 U. S., 277; *Ayres v. Polsdorfer*, 187 U. S., 585; *Colorado Mining Company v. Turck*, 150 U. S., 135; *Ex parte Jones*, 164 U. S., 691; case below, 126 Fed. Rep., 449-454. Petition for a writ of certiorari denied.

No. 99. Henry Muhler, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Restored to the docket for reargument and assigned to be heard on Monday, February 20, after the cases already assigned for that day.

No. 251. The United States ex rel. Martin A. Knapp et al., Interstate Commerce Commissioners, plaintiffs in error, *v.* The Lake Shore and Michigan Southern Railway Company. Motion to advance granted, and case assigned for argument on Monday, February 20, after the cases already assigned for that day.

No. 465. Charles W. Morse et al., petitioners, *v.* Reading Company, claimant, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 488. Augustus L. Shaffer, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

The Chief Justice announced that the court would take a recess from Monday, the 30th instant, to Monday, February 20 next.

No. 149. Frederic W. Lincoln et al., plaintiffs in error, *v.* The United States; and

No. 466. Warner Barnes & Company (Limited), appellant, *v.* The United States. Assigned for argument as one case on Monday, February 27, after the case already set down for that day, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 438. The United States, petitioner, *v.* George E. Cadarr et al. Motion that record on file be taken as a return to the writ of certiorari herein and to advance the cause submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 512. Edward H. Harriman et al., petitioners, *v.* Northern Securities Company, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. W. D. Guthrie, Mr. R. S. Lovett, Mr. Maxwell Evarts, Mr. John F. Dillon, Mr. D. T. Watson, Mr. R. V. Lendabury and Mr. Bainbridge Colby for the petitioners, and by Mr. John G. Johnson, Mr. Elihu Root, Mr. Francis Lynde Stetson and Mr. John W. Griggs for the respondent.

No. 490. George E. Lorenz et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Conrad H. Syme, Mr. Samuel Maddox and Mr. Charles A. Douglass for the petitioners, and by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General Purdy for the respondent.

No. 506. Mineral Development Company, petitioner, *v.* Winfield Scott et al. Petition for a writ of certiorari to the United States circuit court

of appeals for the sixth circuit submitted by Mr. S. B. Dishman for the petitioner.

No. 508. Russia Cement Company, petitioner, *v.* Abraham B. Frauenhar et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John Dane, jr., and Mr. John F. Dillon for the petitioner, and by Mr. Ralph Nathan for the respondents.

No. 511. Albert R. Moulton, petitioner, *v.* George M. Coburn et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Lee M. Friedman for the petitioner, and by Mr. Frederic D. McKenney for the respondents.

No. 474. Thomas F. Holden, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. R. Ross Perry and Mr. R. Ross Perry, jr., for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 424. Union Trust Company et al., *v.* Henry L. Wilson, trustee, etc. Advanced, on motion of Mr. Henry S. Robbins for the Union Trust Company et al., and cause submitted by Mr. Henry S. Robbins and Mr. Charles R. Holden for the Union Trust Company et al., and by Mr. Edwin Burritt Smith, Mr. George Packard, Mr. Vincent J. Walsh and Mr. W. T. Ap Madoc for Wilson, trustee.

No. 510. Thomas Dennison, plaintiff in error, *v.* George M. Christian. Motions to dismiss or affirm submitted by Mr. H. C. Brome in support of motions, and by Mr. W. J. Connell, Mr. C. J. Smyth, and Mr. Ed P. Smith in opposition thereto.

No. 196. J. B. Caro et al., plaintiffs in error, *v.* W. H. Davidson et al. Motion to dismiss submitted by Mr. Thomas H. Clark for Mr. W. A. Blount and Mr. A. C. Blount, jr., in support of motion, and by Mr. Hilary A. Herbert and Mr. Benjamin Micou in opposition thereto.

No. 127. Sotirios S. Lontos Charalambis, appellant, *v.* William Williams, commissioner of immigration, etc. Appeal from the circuit court of the United States for the southern district of New York. Dismissed with costs, on authority of counsel for appellant.

No. 141. Winfield S. Gregg, petitioner, *v.* The Metropolitan Trust Company et al. Argument continued by Mr. Harlan Cleveland for the petitioner, by Mr. Herbert Parsons and Mr. Lawrence Maxwell, jr., for the respondents, and concluded by Mr. Harlan Cleveland for the petitioner.

No. 143. The District of Columbia, appellant, *v.* Elias E. Barnes. Argument commenced by Mr. Robert A. Howard for the appellant, continued by Mr. John C. Fay for the appellee, and concluded by Mr. Robert A. Howard for the appellant.

Nos. 144 to 148. The City of Worcester et al., plaintiffs in error, *v.* The Worcester Consolidated Street Railway Company. Argument commenced by Mr. Arthur P. Rugg for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 24, will be as follows: Nos. 144 to 148, 152, 153, 154, 419, 413, 92, 156, 159 and 160.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 24, 1905.

Present: Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Burton Smith of Atlanta, Ga., and Christian Owens Burkert of Ashland, Pa., were admitted to practice.

No. 156. The Board of Supervisors of Riverside County, Cal., et al., plaintiffs in error, *v.* Robert H. Thompson. Submitted by Mr. John D. Works for the plaintiffs in error and by Mr. C. C. Wright for the defendant in error, with leave to counsel for plaintiffs in error to file reply brief.

Nos. 144 to 148. The City of Worcester et al., plaintiffs in error, *v.* The Worcester Consolidated Street Railway Company. Argument continued by Mr. Arthur P. Rugg for the plaintiffs in error, by Mr. Bentley W. Warren for the defendants in error, and concluded by Mr. Arthur P. Rugg for the plaintiffs in error.

No. 152. F. E. Kehrer, plaintiff in error, *v.* A. P. Stewart. Argument commenced by Mr. Alex. W. Smith for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 25, will be as follows: Nos. 152, 153, 154, 419, 413, 159, 160, 164, 165 and 166.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 25, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Philip J. Britt of New York City was admitted to practice.

No. 477. Bertha Doctor et al., appellants, *v.* John J. Harrington et al. Leave granted to Mr. George H. Yeaman to withdraw his appearance as counsel for appellees herein and to file a brief as *amicus curiæ*.

No. 477. Bertha Doctor et al., appellants, *v.* John J. Harrington et al. Submitted by Mr. Charles A. Hess for the appellants, by Mr. Philip J. Britt for the appellees, and by Mr. George H. Yeaman as *amicus curiæ*.

No. 168. Thomas E. Davis, plaintiff in error, *v.* Jacob Living et al. Continued, on motion of Mr. Maynard F. Stiles for the plaintiff in error.

No. 152. F. E. Kehrer, plaintiff in error, *v.* A. P. Stewart. Argument continued by Mr. Alex. W. Smith for the plaintiff in error, by Mr. John C. Hart for the defendant in error, and concluded by Mr. Alex. W. Smith for the plaintiff in error.

No. 153. The United States, appellant, *v.* James Stinson et al. Argument commenced by Mr. M. C. Burch for the appellant, and continued by Mr. R. M. Bashford for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 26, will be as follows: Nos. 153, 154, 419, 413, 92, 159, 160, 164, 165 and 166.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 26, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

H. B. Coen of Marietta, Ohio, John J. Fitzgerald of Brooklyn, N. Y., and Rodney A. Mercur of Towanda, Pa., were admitted to practice.

No. 135. George S. Whitaker et al., plaintiffs in error, *v.* Thomas McBride et al. Leave granted to file an additional brief for the plaintiffs in error, on motion of Mr. Francis G. Hamer for the plaintiffs in error.

No. 153. The United States, appellant, *v.* James Stinson et al. Argument continued by Mr. R. M. Bashford for the appellees, and concluded by Mr. John B. Simmons for the appellant.

No. 154. The City of Dawson, appellant, *v.* The Columbia Avenue Saving Fund, Safe Deposit, Title and Trust Company. Argument commenced by Mr. Charles A. Douglass for the appellant, and continued by Mr. O. J. Wimberly for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 27, will be as follows: Nos. 154, 419, 413, 92, 159, 160, 164, 165, 166 and 167.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 27, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Julius M. Mayer of New York City and Watson E. Coleman of Washington, D. C., were admitted to practice.

No. 154. The City of Dawson, appellant, *v.* The Columbia Avenue Savings Fund, Safe Deposit, Title and Trust Company. Argument continued by Mr. O. J. Wimberly for the appellee, and concluded by Mr. Dupont Guerry for the appellant. Leave granted to counsel for appellee to file an additional brief on or before Monday next, and to counsel for appellant to reply thereto within three days thereafter.

No. 419. The Territory of New Mexico *ex rel.* Caledonian Coal Company, appellant, *v.* Benjamin S. Baker, associate justice, etc. Suggestion that Benjamin S. Baker has ceased to be associate justice of the supreme court of the Territory of New Mexico, and that Ira A. Abbott has been duly appointed and qualified as his successor in office, and motion for a proper order in the premises submitted by Mr. Neill B. Field for the appellant. Argued by Mr. Neill B. Field for the appellant, and by Mr. Robert Dunlap for the appellee.

No. 413. The United States, petitioner, *v.* Morris Whitridge et al., etc. Argument commenced by Mr. Assistant Attorney-General McReynolds for the petitioner, and continued by Mr. Albert Comstock for the respondents.

Adjourned until Monday next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 30, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Peckham, Mr. Justice McKenna and Mr. Justice Holmes.

Herbert S. Hadley of Jefferson City, Mo., G. W. S. Musgrave of Baltimore, Md., Alfred C. Eicks of St. Louis, Mo., Alexander F. Morrison of San Francisco, Cal., and Percy S. Dudley of New York City were admitted to practice.

No. 103. Swift & Co. et al., appellants, *v.* The United States. Appeal from the circuit court of the United States for the northern district of Illinois. Decree modified and affirmed. Opinion by Mr. Justice Holmes.

No. 133. Walter W. Small, plaintiff in error, *v.* Samuel O. Rakestraw. In error to the supreme court of the State of Montana. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 126. Martha S. Munsey, plaintiff in error, *v.* M. Swain Clough, sheriff of Merrimack County. In error to the superior court of the State of New Hampshire. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 138. Susan A. Ramsey, plaintiff in error, *v.* The Tacoma Land Company et al. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 18. The Creede and Cripple Creek Mining and Milling Company, petitioner, *v.* The Uinta Tunnel Mining and Transportation Company. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the district of Colorado. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 156. The Board of Supervisors of Riverside County, Cal., et al., plaintiffs in error, *v.* Robert H. Thompson. In error to the United

States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. *Press Publishing Company v. Monroe*, 164 U. S., 105; *Ex parte Jones*, 164 U. S., 691; *Benjamin v. New Orleans*, 169 U. S., 161; *Rouse v. Letcher*, 156 U. S., 47; *Gregory v. Van Ee*, 160 U. S., 643. Case below, 122 Fed. Rep., 860; 116 Fed. Rep., 832.

No. 510. Thomas Dennison, plaintiff in error, *v. George M. Christian*. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs. *Munsey v. Clough*, this day decided; *Hyatt v. People, etc.*, 188 U. S., 691; *Roberts v. Reilly*, 116 U. S., 80; *Dower v. Richards*, 151 U. S., 658; *Egan v. Hart*, 165 U. S., 188; *Blythe v. Hinckley*, 180 U. S., 333. Case below, 101 N. W. Rep., 1045.

No. 134. Florida McGuire et al., petitioners, *v. William A. Blount et al.* Restored to the docket for oral argument.

No. 438. The United States, petitioner, *v. George E. Cadarr et al.* Record on file ordered to be taken as return to writ of certiorari, and case advanced to be heard on Monday, February 20, after the cases already assigned for that day.

No. 474. Thomas F. Holden, petitioner, *v. The United States*. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 490. George E. Lorenz et al., petitioners, *v. The United States*. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 506. Mineral Development Company, petitioner, *v. Winfield Scott et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 508. Russia Cement Company, petitioner, *v. Abraham B. Frauenhar et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 511. Albert R. Moulton, petitioner, *v. George M. Coburn et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 512. Edward H. Harriman et al., petitioners, *v. Northern Securities Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted, record on file to stand as a return to the writ, and cause assigned to be heard Monday, February 20, after the cases already assigned for that day.

No. —, Original. *Ex parte*: In the matter of Peter Miller and Thomas Shepperson, petitioners. Motion for leave to file petition for a writ of habeas corpus submitted by Mr. T. M. Patterson for the petitioners, and by Mr. A. B. Browne, Mr. N. C. Miller and Mr. John M. Waldron in opposition thereto.

No. 467. William E. Brown, petitioner, *v.* The First National Bank of Newton, Kans. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Chester I. Long in behalf of Mr. William E. Brown for the petitioner, with leave to counsel for the respondent to file brief within one week.

No. 7, Original. The State of Kansas, complainant, *v.* The State of Colorado et al. Stipulation as to taking testimony herein filed, on motion of Mr. Assistant Attorney-General Campbell, and order entered thereon.

No. 507. American Alkali Company, etc., petitioner, *v.* Pedro G. Salom. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Charles L. Frailey in behalf of Mr. Reynolds D. Brown for the petitioner, and by Mr. Joseph C. Fraley for the respondent.

No. 502. I. B. Kleinert Rubber Company et al., petitioners, *v.* Albert Stein et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Harold Binney in behalf of Mr. Louis C. Raegenner for the petitioners, and by Mr. James H. Peirce, Mr. George P. Fisher, jr., and Mr. William Henry Dennis for the respondents.

No. 5, Original. The State of Missouri, complainant, *v.* The State of Nebraska. Stipulation as to decree filed, and motion for decree in pursuance thereof submitted by Mr. Herbert S. Hadley for the complainant.

No. 388. Emma Thomas et al., plaintiffs in error, *v.* Joseph P. Blair et al., etc. Motions to dismiss or affirm submitted by Mr. J. S. Flannery in behalf of Mr. George Denegre and Mr. Charles Payne Fenner in support of motions, and by Mr. John G. Johnson, Mr. Elihu Root, Mr. Henry L. Lazarus and Mr. Henry Denis in opposition thereto.

No. 201 of October term, 1903. Richard H. Field, appellant, *v.* The Barber Asphalt Paving Company; and

No. 202 of October term, 1903. The Barber Asphalt Paving Company, appellant, *v.* Richard H. Field. Motion to recall and modify mandate as to costs submitted by Mr. Thomas H. Clark in behalf of Mr. Richard H. Field in support of motion.

No. 518. J. Campbell Thompson, petitioner, *v.* Augustus H. Skillin, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Roger Foster for the petitioner, and by Mr. William John Barr for the respondent.

No. 181. Fred Sanders, plaintiff in error, *v.* The Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Dismissed with costs, per stipulation, and mandate granted.

No. 413. The United States, petitioner, *v.* Morris Whitridge et al., etc. Argument continued by Mr. Albert Comstock and Mr. W. R. Sears for the respondents, and concluded by Mr. Assistant Attorney-General McReynolds for the petitioner.

Adjourned until Monday, February 20, at 12 o'clock.

The day call for Monday, February 20, will be as follows: Nos. 308, 406, 410, 354 (and 355), 292, 99, 251, 438, 512 and 92.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 20, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Frank H. Platt of New York City, William Frye White of Washington, D. C., Herbert B. Holt of Las Cruces, N. Mex., Richard L. Young of Las Cruces, N. Mex., Charles Ethelburt Claypool of Fairbanks, Alaska, George Wharton Pepper of Philadelphia, Pa., W. B. Bodine, jr., of Philadelphia, Pa., Percy V. Long of San Francisco, Cal., Daniel H. Hayne of Baltimore, Md., Carl A. Davis of Washington, D. C., Jacob C. Pope of Mora, Minn., Elmer Ellsworth Thomas of Omaha, Nebr., Nellis E. Corthell of Laramie, Wyo., Joseph A. McCullough of Greenville, S. C., Sherman T. Wiggins of Ardmore, Ind. T., George H. Gilman of New York City and Charles W. Fulton of Astoria, Oreg., were admitted to practice.

No. 360. The Scottish Union and National Insurance Company, appellant, *v.* Willis G. Bowland, as treasurer, et al.; and

No. 361. Willis G. Bowland, as treasurer, etc., et al., appellants, *v.* The Scottish Union and National Insurance Company. Appeals from the circuit court of the United States for the southern district of Ohio. Decree reversed, costs to be paid by the insurance company, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day.

No. 128. The Oceanic Steam Navigation Company, Limited, claimant of the steamship *Germanic*, etc., petitioner, *v.* John W. Aitken et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice Holmes.

No. 244. Gus. G. Coulter et al., appellants, *v.* The Louisville and Nashville Railroad Company. Appeal from the circuit court of the United States for the eastern district of Kentucky. Decree reversed with costs, and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Holmes.

No. 121. P. L. Flanigan, petitioner, *v.* The County of Sierra. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the northern district of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 122. D. E. Wheeler et al., etc., petitioners, *v.* The County of Plumas. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgment reversed with costs, and cause remanded to the circuit court of the United States for the northern district of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 131. William H. McCaffrey et al., appellants, *v.* Lizzie C. Manogue et al. Appeal from the court of appeals of the District of Columbia. Decree reversed with costs, and cause remanded with directions to reverse the decree of the supreme court of the District of Columbia and remand the cause to that court with directions to enter a decree in accordance with the opinion of this court. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Peckham.

No. 125. United States of America *v.* The Montana Lumber and Manufacturing Company et al. On a certificate from the United States circuit court of appeals for the ninth circuit. Questions answered in the affirmative. Opinion by Mr. Justice McKenna. Mr. Justice Brewer concurs in result.

No. 477. Bertha Doctor et al., appellants, *v.* John J. Harrington et al. Appeal from the circuit court of the United States for the southern district of New York. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 63. Charles H. Utermehle, plaintiff in error, *v.* Mamie E. Norment et al. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 117. Frank D. Thompson, trustee, etc., plaintiff in error, *v.* Henry Fairbanks. In error to the supreme court of the State of Vermont. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 137. The City of Oklahoma City, plaintiff in error, *v.* Frank McMaster. In error to the supreme court of the Territory of Oklahoma. Judgment reversed with costs, and cause remanded with directions to reverse the judgment of the district court and remand the cause to that court for a new trial. Opinion by Mr. Justice Peckham.

Nos. 144 to 148. *The City of Worcester et al., plaintiffs in error, v. The Worcester Consolidated Street Railway Company.* In error to the supreme judicial court and the superior court of the State of Massachusetts. Judgments affirmed with costs. Opinion by Mr. Justice Peckham.

No. 136. *The United States, appellant, v. Albert C. Eugard.* Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 232. *Western Tie and Timber Company, appellant, v. Ben. A. Brown, trustee, etc.* Appeal from the United States circuit court of appeals for the eighth circuit. Decrees reversed with costs, and cause remanded to the district court of the United States for the eastern district of Arkansas with directions to allow the proof of claim, rejecting the alleged set off, and for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 86. *James C. Corry, plaintiff in error, v. The Mayor and City Council of Baltimore et al.* In error to the court of appeals of the State of Maryland. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 206. *William K. Vanderbilt et al., as executors, etc., v. Ferdinand Eidman, as United States collector of internal revenue.* On a certificate from the United States circuit court of appeals for the second circuit. Third question certified answered in the negative. Opinion by Mr. Justice White.

No. 119. *Isaac N. E. Allen et al., plaintiffs in error, v. The Alleghany Company.* In error to the supreme court of the State of New Jersey. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 13. *Edmund J. Smiley, plaintiff in error, v. The State of Kansas.* In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 70. *Hepning Jacobson, plaintiff in error, v. The Commonwealth of Massachusetts.* In error to the superior court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice Brewer and Mr. Justice Peckham.

No. 129. *Sallie J. McDaniel et al., appellants, v. George M. Traylor et al.* Appeal from the circuit court of the United States for the eastern district of Arkansas. Decree reversed with costs, and cause remanded with directions to overrule the demurrer and for such further proceedings as may be consistent with the opinion of this court and with law. Opinion by Mr. Justice Harlan.

No. 419. *The Territory of New Mexico ex rel. Caledonian Coal Company, appellant, v. Benjamin S. Baker, associate justice of the supreme*

court of the Territory of New Mexico, etc. Appeal from the supreme court of the Territory of New Mexico. Ordered that Ira A. Abbott be substituted as appellee, and decree affirmed with costs. Opinion by Mr. Justice Harlan.

No. 411. The Hamburg-American Steamship Company, plaintiff in error, *v.* Minnie Grube, as administratrix, etc. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 102. The Northern Pacific Railway Company, plaintiff in error, *v.* William S. Ely et al. In error to the supreme court of the State of Washington. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

No. 88. The Northern Pacific Railway Company, plaintiff in error, *v.* William S. Ely et al. In error to the supreme court of the State of Washington. Dismissed with costs. Opinion by Mr. Chief Justice Fuller.

No. 118. The Northern Pacific Railway Company, plaintiff in error, *v.* August Hasse et al. In error to the supreme court of the State of Washington. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court in No. 102. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. 201 of October term, 1903. R. H. Field, appellant, *v.* The Barbour Asphalt Paving Company; and

No. 202 of October term, 1903. The Barbour Asphalt Paving Company, appellant, *v.* R. H. Field. Motion to recall and modify mandate as to costs denied.

No. 467. William E. Brown, petitioner, *v.* The First National Bank of Newton, Kans. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 502. I. B. Kleinert Rubber Company et al., petitioners, *v.* Albert Stein et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 507. American Alkali Company, etc., petitioner, *v.* Pedro G. Salom. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 518. J. Campbell Thompson, petitioner, *v.* Augustus H. Skillin, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit or other writs denied.

No. 388. Emma Thomas et al., plaintiffs in error, *v.* Joseph P. Blair et al. In error to the supreme court of the State of Louisiana. Dis-

missed for the want of jurisdiction. *Marrow v. Brinkley*, 129 U. S., 178; *Israel v. Arthur*, 152 U. S., 355, 362; *Central Land Company v. Laidley*, 159 U. S., 103, 112; *Harrison v. Morton*, 171 U. S., 38; *Pierce v. Somerset Railway*, *id.*, 641.

The Chief Justice also announced that the court would not sit on Wednesday, the 22d instant.

No. 509. *The United States*, appellant, *v. Stephen C. Mills*. Submitted under twentieth rule by Mr. Solicitor-General Hoyt, Mr. Assistant Attorney-General Pradt and Mr. John Q. Thompson for the appellant, and by Mr. George A. King and Mr. William B. King for the appellee.

No. 527. *Marcellus E. Thornton et al.*, petitioners, *v. The Board of Mayor and Aldermen of the City of Natchez et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. A. J. McLaurin in behalf of Mr. Wade R. Young for the petitioners, and by Mr. Eaton J. Bowers and Mr. Marcellus Green for the respondents.

No. 320. *James Gardner*, plaintiff in error, *v. The People of the State of Michigan*. Motion to advance submitted by Mr. E. L. Hamilton in behalf of Mr. John B. Corliss and Mr. T. E. Tarsney in support of motion, and by Mr. Fred A. Baker in opposition thereto.

No. 307. *Joshua Roberts Mead et al.*, plaintiffs in error, *v. The City of Portland et al.* Motion to advance submitted by Mr. Charles W. Fulton in behalf of counsel.

No. 495. *The Merchants and Miners Transportation Company*, owner, etc., et al., petitioners, *v. The Steamship Thornhill*, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Robert H. Smith for the petitioners, and by Mr. J. Parker Kirlin for the respondent.

No. 510. *Thomas Denuison*, plaintiff in error, *v. George M. Christian*. Mandate granted, on motion of Mr. E. E. Thomas for the defendant in error.

No. 458. *The Ludington Novelty Company*, petitioner, *v. Charles H. Leonard et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George A. Prevost and Mr. Fred L. Chappell for the petitioner, and by Mr. Edward Taggart and Mr. Arthur C. Denison for the respondents.

No. 525. *James Talcott et al.*, petitioners, *v. Henry Friend et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Horace Kent Tenney for the petitioners, and by Mr. Jacob Newman, Mr. S. O. Levinson and Mr. Benjamin V. Becker for the respondents.

No. 134. Florida McGuire et al., petitioners, *v.* William A. Blount et al. Motion to fix day for oral argument submitted by Mr. Benjamin Micou for the petitioners.

No. 460. Hiram Remington, plaintiff in error, *v.* Central Pacific Railroad Company. Motion to advance under the thirty-second rule submitted by Mr. W. G. Henderson in behalf of Mr. James G. Flanders in support of motion, and by Mr. Maxwell Evarts in opposition thereto.

No. 532. Edward B. Whitney, trustee, appellant, *v.* Emma B. Dresser. Motion to advance submitted by Mr. George H. Gilman for the appellant.

No. 312. Edward D. Johnson et al., appellants, *v.* Elizabeth Thomas. Motion to dismiss submitted by Mr. William R. Andrews and Mr. D. W. Baker in support of motion, and by Mr. S. Herbert Giesy in opposition thereto.

No. 187. Max Schubach, plaintiff in error, *v.* Warwick Hough, judge, etc., et al. In error to the supreme court of the State of Missouri. Dismissed with costs, on authority of counsel for the plaintiff in error.

No. 252. Richard Dillon, plaintiff in error, *v.* Frank Mares. In error to the supreme court of the State of Montana. Dismissed with costs, on authority of counsel for the plaintiff in error.

No. 308. John A. Benson, appellant, *v.* William Henkel, United States marshal. Argument commenced by Mr. Frank H. Platt for the appellant, and continued by Mr. Francis J. Heney for the appellee, and by Mr. J. C. Campbell for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 21, will be as follows: Nos. 308, 406, 410, 354 (and 355), 292, 99, 251, 438, 512 and 92.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 21, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Edward S. Moores of Washington, D. C., Jos. T. Robinson of Lonoke, Ark., and William S. Cowherd of Kansas City, Mo., were admitted to practice.

No. 136. The United States, appellant, *v.* Albert C. Engard. Mandate granted, on motion of Mr. George A. King for the appellee.

No. 308. John A. Benson, appellant, *v.* William Henkel, United States marshal. Argument concluded by Mr. J. C. Campbell for the appellant.

No. 406. Frederick A. Hyde, appellant, *v.* John H. Shine, United States marshal, etc., et al.; and

No. 410. Henry P. Dimond, appellant, *v.* John H. Shine, United States marshal, etc. Argument commenced by Mr. C. C. Cole for Hyde, continued by Mr. Francis J. Heney for Shine et al., by Mr. Frank H. Platt for Dimond, and by Mr. Solicitor-General Hoyt for Shine et al.

Adjourned until Thursday at 12 o'clock.

The day call for Thursday, February 23, will be as follows: Nos. 406, 410, 354 (and 355), 292, 99, 251, 438, 512 and 92.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 23, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Clarke C. Fitts of Brattleboro, Vt., and Townsend Scudder of New York, N. Y., were admitted to practice.

No. 406. Frederick A. Hyde, appellant, *v.* John H. Shine, United States marshal, etc., et al.; and

No. 410. Henry P. Dimond, appellant, *v.* John H. Shine, United States marshal, etc. Argument continued by Mr. Solicitor-General Hoyt for Shine et al., and concluded by Mr. William B. Hornblower for Hyde. Leave granted to counsel for both sides to file additional briefs within three days.

No. 354. George W. Beavers, appellant, *v.* Charles J. Haubert, United States marshal, et al.; and

No. 355. George W. Beavers, appellant, *v.* Charles J. Haubert, United States marshal. Argument commenced by Mr. W. M. Seabury for the appellant, continued by Mr. Assistant Attorney-General Purdy for the appellees, and concluded by Mr. W. M. Seabury for the appellant.

No. 292. Joseph Lochner, plaintiff in error, *v.* The People of the State of New York. Leave granted to Mr. Henry Weismann to appear herein for plaintiff in error pro hac vice, on motion of Mr. Frank Harvey Field for the plaintiff in error. Argument commenced by Mr. Frank Harvey Field for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 24, will be as follows: Nos. 292, 99, 251, 438, 512 and 92.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 24, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Abram T. Elkus of New York City, Elbert H. Hubbard of Sioux City, Iowa, and Robert Bruce Scott of Aurora, Ill., were admitted to practice.

No. 292. Joseph Lochner, plaintiff in error, *v.* The People of the State of New York. Argument continued by Mr. Frank Harvey Field and Mr. Henry Weismann for the plaintiff in error, by Mr. J. M. Mayer for the defendants in error, and concluded by Mr. Frank Harvey Field for the plaintiff in error.

No. 99. Henry Muhlker, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Reargument commenced by Mr. Elihu Root for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, February 27, will be as follows: Nos. 99, 251, 438, 512, 92, 442, 149 (and 466), 159, 160 and 164.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 27, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

B. F. Burwell of Oklahoma City, Okla., George C. Wilson of Pittsburg, Pa., Charles G. McIlvain of Pittsburg, Pa., Henry A. Davis of Pittsburg, Pa., Julius W. Dyrenforth of Chicago, Ill., Charles E. Southard of Greeley, Colo., Charles L. Dundey of Omaha, Nebr., George E. Zartman of Waterloo, N. Y., William H. Sholes of Washington, D. C., and Herbert Parker of Lancaster, Mass., were admitted to practice.

No. 143. The District of Columbia, appellant, *v.* Elias E. Barnes. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Day.

No. 413. The United States, petitioner, *v.* Morris Whitredge et al., etc. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree reversed, and cause remanded to the circuit court of the United States for the district of Maryland for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 37. The National Cotton Oil Company et al., plaintiffs in error, *v.* The State of Texas. In error to the court of civil appeals in and for the third supreme judicial district of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 38. The Southern Cotton Oil Company et al., plaintiffs in error, *v.* The State of Texas. In error to the court of civil appeals in and for the third supreme judicial district of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 44. The San Francisco National Bank, appellant, *v.* Washington Dodge, as assessor of the city and county of San Francisco. Appeal from the United States circuit court of appeals for the ninth circuit. Decrees reversed with costs, and cause remanded to the circuit court of

the United States for the northern district of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brewer, Mr. Chief Justice Fuller, Mr. Justice Brown and Mr. Justice Peckham.

No. 152. Frank E. Kehrer, plaintiff in error, *v.* Andrew P. Stewart. In error to the supreme court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

The Chief Justice announced the following orders of the court:

No. 312. Edward D. Johnson et al., appellants, *v.* Elizabeth Thomas. Appeal from the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. *McLish v. Ropf*, 141 U. S., 661; *Lubin v. Edison*, 195 U. S., 625; *Lodge v. Twell*, 135 U. S., 235; *Haseltine v. Central Bank*, 183 U. S., 130. Case below, 23 App. D. C., 141.

No. 307. Joshua Roberts Mead et al., plaintiffs in error, *v.* The City of Portland et al. Motion to advance denied.

No. 320. James Gardner, plaintiff in error, *v.* The People of the State of Michigan. Motion to advance denied.

No. 352. Edward B. Whitney, trustee, etc., appellant, *v.* Emma B. Dresser. Motion to advance denied.

No. 458. The Ludington Novelty Company, petitioner, *v.* Charles H. Leonard et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 495. The Merchants and Miners Transportation Company, etc., et al., petitioners, *v.* The Steamship Thornhill, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 525. James Talcott et al., petitioners, *v.* Henry Friend et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 527. Marcellus E. Thornton et al., petitioners, *v.* The Board of Mayor and Aldermen of the City of Natchez et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 460. Hiram Remington, plaintiff in error, *v.* Central Pacific Railroad Company. Motion to advance under the thirty-second rule granted, and the case taken as submitted on printed briefs already filed or which may be filed within one week. Motion for leave to argue orally denied.

Order: The Reporter having represented that, owing to the number of decisions at the present term, it would be impracticable to put the reports in one volume, it is, therefore, now here ordered that he publish an additional volume in this year, pursuant to section 681 of the Revised Statutes.

No. 259. George A. Bartlett, appellant, *v.* The United States. Submitted as under the twentieth rule by Mr. J. M. Vale for the appellant, and by Mr. Assistant Attorney-General Pradt and Mr. Frederick De C. Faust for the appellee.

No. 535. The United States *v.* Ja Toy. Motion to advance submitted by Mr. Solicitor-General Hoyt for the United States.

No. 543. George E. Zartman, trustee, etc., petitioner, *v.* The First National Bank of Waterloo, N. Y. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. George E. Zartman for the petitioner, and by Mr. W. H. Sholes for the respondent.

No. 521. The Rembert Roller Compress Company, petitioner, *v.* The American Cotton Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Leigh Robinson in behalf of Mr. Walter Gresham for the petitioner.

No. 50. Fernand Bonin et al., plaintiffs in error, *v.* The Gulf Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Charles W. Clagett in behalf of Mr. Branch K. Miller for the plaintiffs in error and petitioners.

No. 298. Harold Petri et al., plaintiffs in error, *v.* The F. E. Creelman Lumber Company et al. Motion to dismiss submitted by Mr. David S. Lansden and Mr. John S. Lansden in support of motions, and by Mr. Consider H. Willett in opposition thereto.

No. 494. Chicago, Burlington and Quincy Railway Company, plaintiff in error, *v.* The People of the State of Illinois ex rel. I. O. Grimwood et al. Motions to dismiss or affirm submitted by Mr. John K. Newhall in support of motions, and by Mr. A. J. Hopkins and Mr. Robert Bruce Scott in opposition thereto.

No. 99. Henry Muhlker, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Reargument continued by Mr. Elihu Root for the plaintiff in error, by Mr. Ira A. Place for the defendant in error, and concluded by Mr. Elihu Root for the plaintiff in error.

No. 15, Original. *Ex parte*: In the matter of The Commonwealth of Massachusetts, petitioner. Argument commenced by Mr. Frederick H. Nash for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, February 28, will be as follows: Nos. 251, 438, 512, 92, 442, 149 (and 466), 159, 160, 164 and 165.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 28, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Amos R. Webber of Elyria, Ohio, and Frank Clark of Lake City, Fla., were admitted to practice.

No. 15, Original. *Ex parte*: In the matter of The Commonwealth of Massachusetts, petitioner. Argument continued by Mr. Frederick H. Nash for the petitioner, and by Mr. J. S. Flannery and Mr. Fred-eric D. McKenney for the respondents, and concluded by Mr. Herbert Parker for the petitioner.

No. 251. The United States *ex rel.* Martin A. Knapp et al., Interstate Commerce Commissioners, plaintiffs in error, *v.* The Lake Shore and Michigan Southern Railway Company. Argument commenced by Mr. L. A. Shaver for the plaintiffs in error, continued by Mr. George C. Greene for the defendant in error, and concluded by Mr. Assistant Attorney-General McReynolds for the plaintiffs in error.

No. 438. The United States, petitioner, *v.* George E. Cadarr et al. Argument commenced by Mr. Assistant Attorney-General McReynolds for the petitioner, and continued by Mr. H. Prescott Gatley for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 1, will be as follows: Nos. 438, 512, 92, 442, 149 (and 466), 159, 160, 164, 165 and 166.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 1, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Joseph L. B. Alexander of Phoenix, Ariz., and John M. Freeman of Pittsburg, Pa., were admitted to practice.

No. 438. The United States, petitioner, *v.* George E. Cadarr et al. Argument concluded by Mr. H. Prescott Gatley for the respondents.

No. 512. Edward H. Harriman et al., petitioners, *v.* Northern Securities Company. Motion for leave to file a brief on behalf of the Continental Securities Company submitted by Mr. James Hamilton Lewis for said company.

One hour additional time allowed to each side in the argument of this case, on motion of Mr. William D. Guthrie for the petitioners.

Argument commenced by Mr. William D. Guthrie for the petitioners, and continued by Mr. Elihu Root for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 2, will be as follows: Nos. 512, 92, 442, 149 (and 466), 159, 160, 164, 165, 166 and 167.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 2, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

William M. Acton of Danville, Ill., Alexander H. Martin of Cleveland, Ohio, Henry B. Graves of Detroit, Mich., Robert J. Montague of Crookston, Minn., and Samuel R. Stern of Spokane, Wash., were admitted to practice.

No. 63. Charles H. Utermehle, plaintiff in error, *v.* Mamie E. Norment et al. Mandate granted, on motion of Mr. Charles L. Frailey for the appellees.

No. 512. Edward H. Harriman et al., petitioners, *v.* Northern Securities Company. Argument continued by Mr. Elihu Root and Mr. John G. Johnson for the respondent, and concluded by Mr. D. T. Watson for the petitioners.

No. 92. Joshua Bishop, appellant, *v.* The United States. Argument commenced by Mr. Irwin W. Schultz for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 3, will be as follows: Nos. 92, 442, 149 (and 466), 159, 160, 164, 165, 166, 167 and 169.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 3, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

John B. Kehoe of Portland, Me., James M. Rollins of St. Louis, Mo., Theodore Francis Green of Providence, R. I., Edwin B. Simonds of Medina, N. Y., John D. Black of Chicago, Ill., M. L. Smyser of Wooster, Ohio, and Max L. Mitchell of Williamsport, Pa., were admitted to practice.

No. 143. The District of Columbia, appellant, *v.* Elias E. Barnes. Mandate granted, on motion of Mr. John C. Fay for the appellee.

No. 437. Henry F. McClure et al., plaintiffs in error, *v.* United States Mortgage and Trust Company. In error to the supreme court of the State of Oregon. Dismissed with costs and mandate granted, on motion of Mr. John H. Mitchell for the plaintiffs in error.

No. 92. Joshua Bishop, appellant, *v.* The United States. Argument concluded by Mr. Irwin W. Schultz for the appellant, and submitted by Mr. Assistant Attorney-General Pradt and Mr. Felix Brannigan for the appellee.

No. 442. Alfred W. Carter, guardian, etc., plaintiff in error, *v.* George D. Gear, second judge, etc. Submitted by Mr. J. J. Darlington and Mr. William F. Mattingly for the plaintiff in error, and by Mr. John S. Low, guardian, in propria persona.

No. 466. Warner, Barnes & Co. (Limited), appellant, *v.* The United States. Leave granted to Mr. Benjamin Micou to file a brief herein in behalf of certain interested parties.

No. 149. Frederic W. Lincoln et al., plaintiffs in error, *v.* The United States; and

No. 466. Warner, Barnes & Co. (Limited), appellant, *v.* The United States. Argument commenced by Mr. Paul Fuller for the plaintiffs in error and appellant, continued by Mr. Solicitor-General Hoyt for the United States, by Mr. Frederic R. Coudert for the plaintiffs in error and appellant, and concluded by Mr. Henry M. Ward for the plaintiffs in error and appellant.

No. 159. Abram P. Thompson, plaintiff in error, *v.* Joseph J. Darden. Argument commenced by Mr. Robert M. Hughes for the plaintiff in error, continued by Mr. D. Tucker Brooke for the defendant in error, and concluded by Mr. John W. Daniel for the defendant in error.

Adjourned until to-morrow at 11 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

SATURDAY, MARCH 4, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

The Chief Justice announced that the court would take a recess for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable Theodore Roosevelt as President of the United States by the Chief Justice, and the court reconvened.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 6, will be as follows: Nos. 160, 164, 165, 166, 167, 169, 170, 171, 172 and 173.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 6, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Choice B. Randell of Sherman, Tex., L. Harding Rogers, jr., of New York City, Alexander Flannigan of East St. Louis, Ill., Alonzo Blair Irvine of Salt Lake City, Utah, S. Hamilton Graves of Roanoke, Va., W. M. Pardue of Biloxi, Miss., E. M. Barber of Biloxi, Miss., Lewis Ogden O'Brien of New York City, William H. Brown of Boston, Mass., and Joseph F. Cooper of Fort Worth, Tex., were admitted to practice.

No. 141. Winfield S. Gregg, petitioner, *v.* The Metropolitan Trust Company et al. On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the southern district of Ohio. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna, Mr. Justice Harlan and Mr. Justice White.

No. 154. The City of Dawson, appellant, *v.* The Columbia Avenue Savings Fund, Safe Deposit, Title and Trust Company. Appeal from the circuit court of the United States for the northern district of Georgia. Decree reversed with costs, and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brewer and Mr. Justice McKenna. (Mr. Justice White, not having been present at the argument, took no part in this decision.)

No. 58. Adolphus F. McClaine, plaintiff in error, *v.* George C. Rankin, receiver, etc. In error to the United States circuit court of appeals for the ninth circuit. Judgments reversed with costs, and cause remanded to the circuit court of the United States for the district of Washington with a direction to sustain the demurrer and enter judgment for defendant. Opinion by Mr. Chief Justice Fuller. Dissenting: Mr. Justice White, Mr. Justice Brown and Mr. Justice McKenna.

The Chief Justice also announced the following orders of the court:
 No. 5, Original. The State of Missouri, complainant, *v.* The State of Nebraska. Decree entered, as per stipulation of counsel.

No. 134. Florida McGuire et al., petitioners, *v.* William A. Blount et al. Assigned for argument on Tuesday, October 10 next.

No. 50. Fernand Bonin et al., plaintiffs in error, *v.* The Gulf Company. Petition for a writ of certiorari postponed to the hearing of the cause on its merits.

No. 298. Harold Petri et al., plaintiffs in error, *v.* The F. E. Creelman Lumber Company et al. Motion to dismiss postponed to the hearing of the cause on its merits.

No. 494. Chicago, Burlington and Quincy Railway Company, plaintiff in error, *v.* The People of the State of Illinois ex rel. I. O. Grimwood et al. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 521. The Rembert Roller Compress Company, petitioner, *v.* The American Cotton Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 543. George E. Zartman, as trustee, petitioner, *v.* The First National Bank of Waterloo, N. Y. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 535. The United States *v.* Ju Toy. Motion to advance granted, and cause assigned for argument on Monday, April 3 next.

No. 512. Edward H. Harriman et al., petitioners, *v.* Northern Securities Company. Motion for leave to file brief herein on behalf of the Continental Securities Company denied.

No. 512. Edward H. Harriman et al., petitioners, *v.* Northern Securities Company. On writ of certiorari to the United States circuit court of appeals for the third circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of New Jersey. Opinion to be filed hereafter.

No. 165. Margaret Cunniss (now Margaret Smith), plaintiff in error, *v.* The Reading School District. Leave granted to Mr. Frederick W. Nicolls to file brief herein for the defendant in error and make oral argument, *pro hac vice*, on motion of Mr. R. Ross Perry, jr., in that behalf.

No. 533. The United States Life Insurance Company, etc., petitioner, *v.* Agnes McMahan et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. C. A. Culberson in behalf of Mr. George Clark for the petitioner, and by Mr. Amos L. Beaty for the respondents.

No. 540. John T. McGraw et al., petitioners, *v.* Samuel B. Woods et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Holmes Conrad and Mr. Joseph H. Holt for the petitioners, and by Mr. L. L. Lewis for the respondents.

No. 160. Greer County, Okla., plaintiff in error, *v.* The State of Texas. Submitted by Mr. George Clark and Mr. H. N. Atkinson for the plaintiff in error, and by Mr. C. K. Bell and Mr. C. A. Culberson for the defendant in error.

No. 164. H. Hackfeld & Co. (Limited), petitioner, *v.* The United States. Argument commenced by Mr. Maxwell Evarts for the petitioner, continued by Mr. Assistant Attorney-General Robb for the respondent, and concluded by Mr. Maxwell Evarts for the petitioner.

No. 165. Margaret Cunnius, etc., plaintiff in error, *v.* The Reading School District. Argument commenced by Mr. Caleb J. Bieber for the plaintiff in error, continued by Mr. Frederick W. Nicolls for the defendant in error, *pro hac vice*, and concluded by Mr. Caleb J. Bieber for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 7, will be as follows: Nos. 166, 167, 169, 170, 171, 172, 173, 174, 175 and 178.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 7, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Edgar C. Ellis of Kansas City, Mo., W. R. Biddle of Fort Scott, Kans., A. E. Richards of Louisville, Ky., Elliott K. Pennebaker of Louisville, Ky., Irving F. Baxter of Omaha, Nebr., and William V. Rinehart, jr., of Seattle, Wash., were admitted to practice.

No. 166. Walter S. McMichael et al., appellants and plaintiffs in error, *v.* Samuel Murphy et al. Submitted by Mr. Joseph K. McCammon and Mr. James H. Hayden for appellants and plaintiffs in error, and by Mr. J. H. Everest for appellees and defendants in error.

No. 167. *The Middletown National Bank v. The Toledo, Ann Arbor and North Michigan Railway Company et al.* Argued by Mr. F. C. McLaughlin for the bank, Mr. Lucius H. Beers for Eno et al., and Mr. Joseph Fettretch for Hudson, and submitted by Mr. Charles N. Judson and Mr. William B. Hale for Ivison, Mr. Arthur F. Cosby for Clews & Co., and Mr. John G. Milburn for John Jacob Astor.

No. 169. John B. Humphrey, plaintiff in error, *v.* Charles T. Tatman, trustee, etc. Argument commenced by Mr. William H. Brown for the plaintiff in error, continued by Mr. Charles T. Tatman for the defendant in error, and concluded by Mr. William H. Brown for the plaintiff in error.

No. 170. *The Louisville and Nashville Railroad Company, plaintiff in error, v. The Barber Asphalt Paving Company et al.* Argument commenced by Mr. Helm Bruce for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 8, will be as follows: Nos. 170, 171, 172, 173, 174, 175, 178, 180, 182 and 183.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 8, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Samuel Knight of San Francisco, Cal., Robert C. Morris of New York City, Omer Villere of New Orleans, La., and James K. Polk of Washington, D. C., were admitted to practice.

No. 180. The United States et al., appellants, *v.* Lineas Winans et al. Assigned for argument on Monday, April 3, after the case already set down for that day, on motion of Mr. Solicitor-General Hoyt for the appellants.

No. 170. The Louisville and Nashville Railroad Company, plaintiff in error, *v.* The Barber Asphalt Paving Company et al. Argument continued by Mr. William Furlong and Mr. A. E. Richards for the defendants in error, and concluded by Mr. Helm Bruce for the plaintiff in error.

No. 171. A. Y. Chrisman et al., plaintiffs in error, *v.* E. O. Miller et al. Argument commenced by Mr. William H. Metson for the plaintiffs in error, continued by Mr. L. L. Cory for the defendants in error, and concluded by Mr. William H. Metson for the plaintiffs in error.

No. 172. The New Orleans Gas Light Company, plaintiff in error, *v.* The Drainage Commission of New Orleans et al. Argument commenced by Mr. Charles F. Buck for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 9, will be as follows: Nos. 172, 173, 174, 175, 178, 182, 183, 184, 185 and 186.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 9, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Henry F. Greene of Duluth, Minn., Arch B. Eldredge of Marquette, Mich., Charles D. Hanchett of Hancock, Mich., Walter L. Case of Cloquet, Minn., and Bruce Barnett of Sedalia, Mo., were admitted to practice.

No. 172. The New Orleans Gas Light Company, plaintiff in error, *v.* The Drainage Commission of New Orleans et al. Argument continued by Mr. Charles F. Buck for the plaintiff in error, and by Mr. Omer Villere for the defendants in error, and concluded by Mr. Charles F. Buck for the plaintiff in error.

No. 173. Iron Cliffs Company et al., plaintiffs in error, *v.* Negaunee Iron Company et al. Argument commenced by Mr. James H. Hoyt for the plaintiffs in error, and continued by Mr. Scott W. Shaul and Mr. Benton Hanchett for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 10, will be as follows: Nos. 173, 174, 175, 178, 182, 183, 184, 185, 186 and 50.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 10, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Charles O. Roemler of Indianapolis, Ind., was admitted to practice.

The Chief Justice announced that the court would take a recess from 1.30 to 2.30 p. m. for the purpose of attending the services in the Senate Chamber at the funeral of William B. Bate, late a Senator of the United States from the State of Tennessee.

No. 173. Iron Cliffs Company et al., plaintiffs in error, *v.* Negaunee Iron Company et al. Argument continued by Mr. Benton Hanchett for the defendants in error, and concluded by Mr. Elihu Root for the plaintiffs in error.

No. 174. James Stillman, appellant, *v.* C. B. Combe, independent executor, etc., et al. Argument commenced by Mr. John A. Garver for the appellant, and continued by Mr. Fred Beall for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 13, will be as follows: Nos. 174, 175, 178, 182, 183, 184, 185, 186, 50 and 188.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 13, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Louis Hess of New York City, Lewis W. Parker of Chicago, Ill., Heman W. Morris of Rochester, N. Y., Samuel H. Piles of Seattle, Wash., Daniel Nelson Clark of Washington, D. C., Corwin S. Shank of Seattle, Wash., Mark W. Stevens of Flint, Mich., George W. Cook of Flint, Mich., John J. Carton of Flint, Mich., and Hal W. Greer of Beaumont, Tex., were admitted to practice.

No. 259. George A. Bartlett, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 104. Henry Dallemagne, consul-general of the Republic of France, appellant, *v.* Jean Francois Moisan. Appeal from the district court of the United States for the northern district of California. Decree reversed with costs, and cause remanded for further proceedings consistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 509. The United States, appellant, *v.* Stephen C. Mills. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 153. The United States, appellant, *v.* James Stinson et al. Appeal from the United States circuit court of appeals for the seventh circuit. Decree affirmed, and cause remanded to the circuit court of the United States for the western district of Wisconsin. Opinion by Mr. Justice Brewer.

No. 235. Samuel M. Clyatt, petitioner, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgment of the circuit court of the United States for

the northern district of Florida reversed, and cause remanded to that court with directions to grant a new trial. Opinion by Mr. Justice Brewer. Mr. Justice McKenna concurs in the judgment. Dissenting: Mr. Justice Harlan.

No. 196. J. B. Caro et al., plaintiffs in error, *v.* W. H. Davidson et al. In error to the supreme court of the State of Florida. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court would take a recess from Monday, March 20, to Monday, April 3 next.

The Chief Justice also announced the following order of the court:

No. 533. The United States Life Insurance Company, etc., petitioner, *v.* Agnes McMahan et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 244. Gus G. Coultres et al., appellants, *v.* The Louisville and Nashville Railroad Company. Mandate granted, on motion of Mr. J. C. McReynolds in behalf of counsel.

No. 434. U. C. Guss et al., appellants and plaintiffs in error, *v.* J. T. Nelson. Suggestion of diminution of the record and motion for a writ of certiorari submitted by Mr. A. B. Browne in behalf of Mr. Frank Dale and Mr. A. G. C. Bierer in support of motion, and by Mr. W. R. Biddle and Mr. W. P. Dillard in opposition thereto.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Ordered that evidence be opened, published, and filed, on motion of Mr. John Dymond, jr., for the complainant.

No. 174. James Stillman, appellant, *v.* C. B. Combe, independent executor, etc., et al. Argument continued by Mr. Fred Beall and Mr. J. D. Childs for the appellees, and concluded by Mr. James M. Beck for the appellant.

No. 175. George Schlosser, plaintiff in error, *v.* W. L. Hemphill et al. Argument commenced by Mr. Charles A. Clark for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 14, will be as follows: Nos. 175, 178, 182, 183, 184, 185, 186, 50, 188 and 191.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 14, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

John S. Richardson of Boston, Mass., Ellis Spear, jr., of Boston, Mass., and Edward L. Blackman of New York City were admitted to practice.

No. 561. Leather Manufacturers' National Bank of New York City, petitioner, *v.* Charles H. Treat, collector, etc. Leave granted to file petition for writ of certiorari herein without certified copy of record required by rule 37, on motion of Mr. Frank W. Hackett for petitioner.

No. 202. Alice I. Birrell, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.; and

No. 203. Patrick Kierns, executor, etc., plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Passed temporarily, on motion of Mr. Edward L. Blackman in behalf of counsel for the plaintiffs in error.

No. 175. George Schlosser, plaintiff in error, *v.* W. L. Hemphill et al. Argument continued by Mr. E. B. Evans for the defendant in error, and concluded by Mr. George E. Clarke for the plaintiff in error. Leave granted to counsel for defendant in error to file additional brief by the 18th instant.

No. 178. Western Electric Supply Company, plaintiff in error, *v.* Abbeville Electric Light and Power Company. Argued by Mr. William N. Graydon for the defendant in error, and submitted by Mr. Lee W. Grant for the plaintiff in error.

No. 182. The Pennsylvania Lumbermen's Mutual Fire Insurance Company *v.* Charles C. Meyer. Argument commenced by Mr. Frank P. Prichard for the insurance company.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 15, will be as follows: Nos. 182, 183, 184, 185, 186, 50, 188, 191, 192 and 193.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 15, 1905.

Present: The Chief Justice, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

No. 182. The Pennsylvania Lumbermen's Mutual Fire Insurance Company *v.* Charles C. Meyer. Argument continued by Mr. Heman W. Morris for Meyer, and concluded by Mr. Frank P. Prichard for the insurance company.

No. 183. Rafael Rodriguez et al., plaintiffs in error, *v.* The United States. Submitted by Mr. Francis H. Dexter, Mr. Frederic D. McKenney and Mr. J. S. Flannery for the plaintiffs in error, and by Mr. Assistant Attorney-General Robb and Mr. Glenn E. Husted for the defendant in error. Leave granted to counsel for defendant in error to file an additional brief within five days.

No. 184. The United States, appellant, *v.* John Smith. Argument commenced by Mr. Edwin P. Hanna for the appellant, continued by Mr. John Spalding Flannery for the appellee, and concluded by Mr. Assistant Attorney-General Pradt for the appellant.

No. 185. Samuel McMillen et al., plaintiffs in error, *v.* The Ferrum Mining Company. Argument commenced by Mr. George R. Elder for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 16, will be as follows: Nos. 185, 186, 50, 188, 191, 192, 193, 194, 195 and 197.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 16, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

No. 185. Samuel McMillen et al., plaintiffs in error, *v.* The Ferrum Mining Company. Argument continued by Mr. George R. Elder for the plaintiffs in error, and by Mr. Charles Cavender for the defendant in error, and concluded by Mr. George R. Elder for the plaintiffs in error.

No. 186. In the matter of Morris Strauss. Argued by Mr. Max J. Kohler for Strauss, and submitted by Mr. Howard S. Gans for the respondent.

No. 50. Fernand Bonin et al., plaintiffs in error, *v.* The Gulf Company. Argued by Mr. Branch K. Miller for the plaintiffs in error, and submitted by Mr. Edgar H. Farrar, Mr. B. F. Jonas and Mr. E. B. Kruttschnitt for the defendant in error.

No. 188. William H. H. Gleason, plaintiff in error, *v.* Edward L. White. Argument commenced by Mr. George M. Robbins for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 17, will be as follows: Nos. 188, 191, 192, 193, 194, 195, 197, 198, 200 and 201.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 17, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

Robert P. Shick of Philadelphia, Pa., was admitted to practice.

No. 512. Edward H. Harriman et al., petitioners, *v.* Northern Securities Company. Motion that mandate issue at once submitted by Mr. W. P. Clough, Mr. John G. Johnson, Mr. Elihu Root, Mr. Francis Lynde Stetson and Mr. John W. Griggs for the respondent in support of motion, and by Mr. Maxwell Evarts, Mr. William D. Guthrie, Mr. D. T. Watson and Mr. R. S. Lovett for the petitioners in opposition thereto.

No. 188. William H. H. Gleason, plaintiff in error, *v.* Edward L. White. Argument concluded by Mr. George M. Robbins for the plaintiff in error. No brief filed for the defendants in error.

No. 192. Cimiotti Unhairing Company et al., petitioners, *v.* American Fur Refining Company et al. Argument commenced by Mr. Louis C. Raeger for the petitioners, continued by Mr. Henry Schreiter for the respondents, and concluded by Mr. Louis C. Raeger for the petitioners.

Adjourned until Monday next at 12 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 20, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

Walter P. Plumley of Washington, D. C., George B. Colby of New York City and Richard A. Irving of New York City were admitted to practice.

No. 160. Greer County, Oklahoma Territory, plaintiff in error, *v.* The State of Texas. In error to the court of civil appeals for the third supreme judicial district of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of Peter Miller and Thomas Shepperson, petitioners. Motion for leave to file petition for writs of habeas corpus denied.

No. 434. U. C. Guss et al., appellants and plaintiffs in error, *v.* J. T. Nelson. Motion for a writ of certiorari denied.

No. 540. John T. McGraw et al., petitioners, *v.* Samuel B. Woods et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 221. Edward J. Percy, plaintiff in error, *v.* Nevada N. Stranahan. Continued, per stipulation, on motion of Mr. Assistant to the Attorney-General Day for the defendant in error.

No. —, Original. *Ex parte*: In the matter of Gertrude Glaser, administratrix of Isador Glaser, deceased, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Richard A. Irving for the petitioner.

No. 270. Russell Sage, as assignee, etc., plaintiff in error, *v.* Theodore A. Maxwell et al.; and

No. 271. Russell Sage, as assignee, etc., plaintiff in error, *v.* Henry Munsterman et al. In error to the supreme court of the State of Minnesota. Dismissed, per stipulation, on motion of Mr. A. B. Browne for the plaintiff in error.

No. 558. The Boston Water and Light Company, petitioner, *v.* The Farmers' Loan and Trust Company, trustee, et al.; and

No. 559. The New England Water Works Company et al., petitioners, *v.* The Farmers' Loan and Trust Company, trustee, et al. Petitions for writs of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. S. S. Gregory and Mr. C. H. Poppenhusen for the petitioner in No. 558, and by Mr. James Hamilton Lewis for the petitioner in No. 559, and by Mr. William Barry for the respondents, with leave to counsel for the petitioner in No. 558 to file a reply brief within five days.

No. 557. Central Commercial Company, petitioner, *v.* Chicago Title and Trust Company, trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Lewis W. Parker for the petitioner.

No. 567. Ionia Transportation Company, petitioner, *v.* J. I. Case Threshing Machine Company, claimant, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Thomas H. Clark in behalf of Mr. John C. Richberg for the petitioner, and by Mr. George D. Van Dyke for the respondent.

No. 551. Tennessee Oil, Gas and Mineral Company, petitioner, *v.* F. D. Brown et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Frank S. Bright in behalf of Mr. H. H. Ingersoll and Mr. Harvey D. Goulder for the petitioner, and by Mr. C. E. Lucky and Mr. Edward T. Sanford for the respondents.

Adjourned until Monday, April 3, at 12 o'clock.

The day call for Monday, April 3, will be as follows: Nos. 535, 180, 191, 193, 194, 195, 197, 198, 200 and 74 (and 75, 76, 77, 78, 79 and 80).

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 3, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

Thomas James Meagher of Philadelphia, Pa., William M. Coleman of New York City, John W. Yerkes of Danville, Ky., John J. Strickland of Athens, Ga., Elbert C. Morton of Columbus, Ohio, Herbert E. Smith of Washington, D. C., Hayden Johnson of Washington, D. C., John H. Small of Washington, N. C., Luthene C. Gilman of Seattle, Wash., Franklin Nevius of New York City and Joseph D. Sullivan of Washington, D. C., were admitted to practice.

No. 164. *H. Hackfeld & Co., Limited, petitioner, v. The United States.* On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Judgment reversed, and cause remanded to the district court of the United States for the district of Hawaii with directions to discharge the petition. Opinion by Mr. Justice Day.

No. 172. *The New Orleans Gas Light Company, plaintiff in error, v. The Drainage Commission of New Orleans et al.* In error to the supreme court of the State of Louisiana. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 173. *Iron Cliffs Company et al., plaintiffs in error, v. Negaunee Iron Company et al.* In error to the supreme court of the State of Michigan. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Day.

No. 438. *The United States, petitioner, v. George E. Cadarr et al.* On writ of certiorari to the court of appeals of the District of Columbia. Judgment reversed, and cause remanded with directions to reverse the judgment of the supreme court of the District of Columbia and remand the case to that court for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Day.

No. 149. *Frederic W. Lincoln et al., plaintiffs in error, v. The United States.* In error to the district court of the United States for the southern district of New York. Judgment reversed, and cause

remanded for further proceedings in conformity to law. Opinion by Mr. Justice Holmes.

No. 466. Warner Barnes & Co., Limited, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment reversed, and cause remanded for further proceedings in conformity to law. Opinion by Mr. Justice Holmes.

No. 170. The Louisville and Nashville Railroad Company, plaintiff in error, *v.* The Barber Asphalt Paving Company et al. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White and Mr. Justice Peckham. (Mr. Justice Harlan took no part in the decision of this case.)

No. 174. James Stillman, appellant, *v.* C. B. Combe, independent executor, etc., et al. Appeal from the circuit court of the United States for the southern district of Texas. Decree reversed with costs, and cause remanded with directions to make restitution to the appellant and to dismiss the bill. Opinion by Mr. Justice Holmes.

No. 167. The Middletown National Bank *v.* Toledo, Ann Arbor and North Michigan Railway Company et al. On a certificate from the United States circuit court of appeals for the second circuit. First question answered in the negative. Opinion by Mr. Justice Peckham.

No. 182. The Pennsylvania Lumbermen's Mutual Fire Insurance Company *v.* Charles C. Meyer. On a certificate from the United States circuit court of appeals for the second circuit. Question answered in the affirmative. Opinion by Mr. Justice Peckham. (Mr. Justice Harlan took no part in the decision of this case.)

No. 116. Guilford B. Keppel, trustee, etc., *v.* Tiffin Savings Bank. On a certificate from the United States circuit court of appeals for the sixth circuit. First question answered in the affirmative. Opinion by Mr. Justice White. Dissenting: Mr. Justice Day, Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Brown.

No. 184. The United States, appellant, *v.* John Smith. Appeal from the Court of Claims. Judgment reversed, and cause remanded with directions to dismiss the claimant's petition. Opinion by Mr. Justice White.

No. 92. Joshua Bishop, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Brown.

No. 442. Alfred W. Carter, guardian, etc., plaintiff in error, *v.* George D. Gear, second judge, etc. In error to the supreme court of the Territory of Hawaii. Judgment affirmed with costs. Opinion by Mr. Justice Brown.

No. 185. Samuel McMillen et al., plaintiffs in error, *v.* The Ferrum Mining Company. In error to the supreme court of the State of Colorado. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brown.

No. 171. A. Y. Chrisman et al., plaintiffs in error, *v.* E. O. Miller et al. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 186. In the matter of Morris Strauss. On a certificate from the United States circuit court of appeals for the second circuit. First question answered in the affirmative, and the second in the negative. Opinion by Mr. Justice Brewer. (Mr. Justice Harlan did not hear the argument and took no part in the decision of this case.)

No. 166. Walter S. McMichael et al., appellants and plaintiffs in error, *v.* Samuel Murphy et al. Appeal from and in error to the supreme court of the Territory of Oklahoma. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 178. Western Electrical Supply Company, plaintiff in error, *v.* Abbeville Electric Light and Power Company. In error to the supreme court of the State of South Carolina. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 512. Edward H. Harriman et al., petitioners, *v.* Northern Securities Company. Opinion by Mr. Chief Justice Fuller filed, decree amended and mandate stayed until the 17th instant.

The Chief Justice also announced the following orders of the court:

No. 16, Original. *Ex parte*: In the matter of Gertrude Glaser, administratrix of Isador Glaser, deceased, petitioner. Motion for leave to file petition for a writ of mandamus granted, and rule to show cause awarded, returnable on the 17th instant.

No. 551. Tennessee Oil, Gas and Mineral Company, petitioner, *v.* F. D. Brown et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 557. Central Commercial Company, petitioner, *v.* Chicago Title and Trust Company, trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 558. The Boston Water and Light Company, petitioner, *v.* The Farmers' Loan and Trust Company, trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 559. The New England Water Works Company et al., petitioners, *v.* The Farmers' Loan and Trust Company, trustee, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 567. Ionia Transportation Company, petitioner, *v.* J. I. Case Threshing Machine Company, claimant, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 265. The District of Columbia, appellant, *v.* Columbus J. Eslin, administrator, et al.;

No. 266. Columbus J. Eslin, administrator, etc., appellant, *v.* The District of Columbia;

No. 293. Samuel J. Ritchie, appellant, *v.* The District of Columbia; and

No. 296. William A. Gordon et al., executors, etc., appellants, *v.* The District of Columbia. Appeals from the Court of Claims. Dismissed, per stipulation, on motion of Mr. Solicitor-General Hoyt.

No. 577. Albert C. Gunnison et al., petitioners, *v.* Chicago, Milwaukee and St. Paul Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Louis A. Pradt in behalf of Mr. William F. Vilas, Mr. John C. Spooner and Mr. John B. Sanborn for the petitioners, and by Mr. George R. Peck, Mr. Burton Hanson and Mr. C. H. Van Alstine for the respondent.

No. 347. Union Refrigerator Transit Company, plaintiff in error, *v.* The Commonwealth of Kentucky, by W. L. Weller, revenue agent. Motion to advance submitted by Mr. J. C. McReynolds in behalf of Mr. H. L. Stone and Mr. Robert W. Bingham for defendant in error in support of motion.

No. 583. First National Bank of Baltimore, petitioner, *v.* William H. Staake, trustee, et al.; and

No. 584. Henry K. McHarg et al., receivers, etc., petitioners, *v.* William H. Staake, trustee. Petitions for writs of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. S. Hamilton Graves for the petitioners, and by Mr. H. Gordon McCouch for the respondents.

No. 541. Daniel R. Kendall, appellant, *v.* The American Automatic Loom Company. Motion to advance submitted by Mr. Charles Henry Butler in behalf of Mr. Noah C. Rogers for the appellant in support of motion, and by Mr. Benjamin N. Cardozo for the appellee in opposition thereto.

No. 593. The Western Electric Company, petitioner, *v.* John F. Hanselmann, jr. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles Henry Butler in behalf of Mr. John Notman for the petitioner, and by Mr. John F. Hanselmann, jr., pro se.

No. 547. The Kansas City Southern Railway Company, petitioner, *v.* Clark Prunty. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. A. B. Browne in behalf of Mr. Samuel W. Moore for the petitioner.

No. 594. Great Northern Railway Company, petitioner, *v.* William C. Fowler. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. L. C. Gilman for the petitioner.

No. 580. Memphis Consolidated Gas and Electric Company, petitioner, *v.* Jane Letson. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Heber J. May in behalf of Mr. Thomas B. Turley for the petitioner.

No. 530. Security Mutual Life Insurance Company, plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner; and

No. 539. The Travelers Insurance Company of Hartford, Conn., plaintiff in error, *v.* Henry R. Prewitt, insurance commissioner. Motions to advance submitted by Mr. Joseph D. Sullivan for Mr. J. H. Hazelrigg for the defendant in error in support of motions.

No. 595. United Engineering and Contracting Company, petitioner, *v.* Francis Broadnax. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Franklin Nevius, Mr. L. Laffin Kellogg and Mr. A. C. Pette for the petitioner, and by Mr. Andrew Wilson and Mr. Noel W. Barksdale for the respondent.

No. 523. George W. Allen, administrator, etc., plaintiff in error, *v.* Frank M. Arguimban, surviving partner, etc. Motions to dismiss or affirm submitted by Mr. J. E. Padgett in behalf of Mr. H. Bisbee and Mr. George C. Bedell in support of motions, and by Mr. R. H. Liggett in opposition thereto.

No. 589. Stratton's Independence, Limited, petitioner, *v.* Tyson S. Dines et al., executors, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. Samuel Untermeyer and Mr. Louis Marshall for the petitioner, and by Mr. L. M. Goddard for the respondents.

No. 74. The People of the State of New York ex rel. The Metropolitan Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 75. The People of the State of New York ex rel. The Twenty-third Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 76. The People of the State of New York *ex rel.* The Central Crosstown Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 77. The People of the State of New York *ex rel.* The Consolidated Gas Company of New York, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 78. The People of the State of New York *ex rel.* The New Amsterdam Gas Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 79. The People of the State of New York *ex rel.* The Brooklyn City Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners; and

No. 80. The People of the State of New York *ex rel.* The Coney Island and Brooklyn Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners. Assigned for argument at the foot of the call for Monday, April 10, on motion of Mr. Thomas H. Clark in behalf of counsel.

No. 585. Charles E. Moore et al., petitioners, *v.* Robert B. Petty et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. William Hitz in behalf of Mr. Elbert H. Hubbard for the petitioners.

No. 348. The American Surety Company, appellant, *v.* Willis G. Bowland et al.;

No. 349. The Fidelity and Casualty Company, appellant, *v.* Willis G. Bowland et al.; and

No. 350. The American Bonding and Trust Company, appellant, *v.* Willis G. Bowland et al. Appeals from the circuit court of the United States for the southern district of Ohio. Dismissed, per stipulation, and mandates granted.

No. 535. The United States *v.* Ju Toy. Argued by Mr. Assistant Attorney-General McReynolds for the United States, and by Mr. Hayden Johnson for Ju Toy.

No. 180. The United States et al., appellants, *v.* Lineas Winans et al. Argument commenced by Mr. Solicitor-General Hoyt for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 4, will be as follows: Nos. 180, 191, 193, 194, 195, 197, 198, 200, 201 and 204.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 4, 1905.

Present: Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

No. 180. *The United States et al., appellants, v. Lineas Winans et al.* Argument continued by Mr. Solicitor-General Hoyt for the appellants, and by Mr. Charles H. Carey for the appellees, and concluded by Mr. Solicitor-General Hoyt for the appellants.

No. 191. *Isaac H. Harris, plaintiff in error, v. B. Balk.* Argument commenced by Mr. G. W. S. Musgrave for the plaintiff in error, continued by Mr. John H. Small for the defendant in error, and concluded by Mr. G. W. S. Musgrave for the plaintiff in error.

No. 193. *Hannah O'Callaghan et al., appellants, v. Terence O'Brien, administrator, etc., et al.* Death of Hannah O'Callaghan suggested, and appearance of Charles H. Farrell, administrator of Hannah O'Callaghan, deceased, and of Edward Corcoran, as heir at law of Hannah O'Callaghan, deceased, filed and entered, on motion of Mr. James B. Howe for the appellants.

No. 193. *Charles H. Farrell, administrator, etc., et al., appellants, v. Terence O'Brien, administrator, etc., et al.* Argument commenced by Mr. James B. Howe for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 5, will be as follows: Nos. 193, 194, 195, 197, 198, 200, 201, 204, 205 and 207.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 5, 1905.

Present: Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

W. Wilson Carlile of Columbus, Ohio, William J. Shroder of Cincinnati, Ohio, and Grant I. Rosenzweig of Kansas City, Mo., were admitted to practice.

No. 207. Enoch Hunsaker, plaintiff in error, *v.* Toltec Ranch Company. In error to the circuit court of the United States for the district of Utah. Dismissed with costs, pursuant to the tenth rule.

No. 589. Stratton's Independence, Limited, petitioner, *v.* Tyson S. Dines et al., executors, etc., et al. Leave granted to counsel for respondents to file an additional brief within ten days.

No. 193. Charles H. Farrell, administrator, etc., et al., appellants, *v.* Terence O'Brien, administrator, etc., et al. Argument concluded by Mr. James B. Howe for the appellants, and case submitted by Mr. Joseph W. Robinson, Mr. John H. Mitchell and Mr. William F. Hays for the appellees.

No. 194. Riverdale Cotton Mills, petitioner, *v.* Alabama and Georgia Manufacturing Company et al. Argument commenced by Mr. Louis D. Brandeis for the petitioner, and continued by Mr. Marion Erwin for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 6, will be as follows: Nos. 194, 195, 197, 198, 200, 201, 204, 205, 208 and 209.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 6, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Walter B. Hill of East Liverpool, Ohio, and Thomas J. Beall of El Paso, Tex., were admitted to practice.

No. 209. D. N. Holden et al., petitioners, *v.* J. A. Stratton, trustee. Submitted by Mr. P. P. Carroll for the petitioners, and by Mr. Frederick Bausman for the respondent.

No. 194. Riverdale Cotton Mills, petitioner, *v.* Alabama and Georgia Manufacturing Company et al. Argument continued by Mr. Marion Erwin for the respondents, and concluded by Mr. Louis D. Brandeis for the petitioner.

No. 195. Joseph L. Harley, appellant, *v.* The United States. Argument commenced by Mr. William W. Dodge for the appellant, continued by Mr. C. C. Binney for the appellee, and concluded by Mr. A. A. Hoehling, jr., for the appellant.

No. 197. J. W. Guthrie et al., plaintiffs in error, *v.* Henry O. Harkness. Submitted by Mr. Abbot R. Heywood for the plaintiffs in error. No counsel appeared for the defendant in error.

No. 198. The Chicago, Milwaukee and St. Paul Railway Company, appellant, *v.* The United States. Submitted by Mr. George R. Peck, Mr. W. W. Dudley and Mr. L. T. Michener for the appellant, and by Mr. Assistant Attorney-General Pradt and Mr. John Q. Thompson for the appellee.

No. 200. R. R. Dunbar et al., plaintiffs in error, *v.* Lucretia L. Green et al. Submitted by Mr. L. F. Bird for the plaintiffs in error. No brief filed for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 7, will be as follows: Nos. 201, 204, 205, 208, 210, 211, 212, 213, 215 and 216.

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 7, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

E. J. Clements of Lincoln, Nebr., Edgar J. Rich of Boston, Mass., and A. Seymour Thurmond of El Paso, Tex., were admitted to practice.

No. 201. W. J. Warder, plaintiff in error, *v.* Mrs. Laura Loomis et al. Argument commenced by Mr. Jay Good for the plaintiff in error, continued by Mr. Thomas J. Beall and Mr. Millard Patterson for the defendants in error, and concluded by Mr. A. Seymour Thurmond for the plaintiff in error.

No. 204. Mike Hernan, plaintiff in error, *v.* The State of Texas. Submitted by Mr. Cecil H. Smith, Mr. Amos L. Beaty and Mr. William P. Ellison for the plaintiff in error, and by Mr. C. K. Bell for the defendant in error.

No. 205. Edward Jaster, sr., plaintiff in error, *v.* F. M. Currie. Argument commenced by Mr. E. J. Clements for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 10, will be as follows: Nos. 205, 208, 210, 211, 212, 213, 215, 216, 217 and 74 to 80.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 10, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

A. A. Abbott of Grand Island, Nebr., Roland Evans of Philadelphia, Pa., Lloyd Charles Whitman of Chicago, Ill., Rebel Lee Robertson of Orange, Tex., Ben M. Terrell of Fort Worth, Tex., Chester B. Masslich of Chicago, Ill., and James A. Lowell of Boston, Mass., were admitted to practice.

No. 99. Henry Muhlker, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. In error to the supreme court of the State of New York. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna. (Mr. Justice Brown concurs in the result.) Dissenting: Mr. Justice Holmes, Mr. Chief Justice Fuller, Mr. Justice White and Mr. Justice Peckham.

No. 251. The United States ex rel. Martin A. Knapp et al., Interstate Commerce Commissioners, plaintiffs in error, *v.* The Lake Shore and Michigan Southern Railway Company. In error to the circuit court of the United States for the northern district of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 51. Fred Rassmussen, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Alaska. Judgment reversed, and cause remanded with directions to set aside the verdict and grant a new trial. Opinion by Mr. Justice White. Concurring opinions by Mr. Justice Brown and Mr. Justice Harlan.

No. 135. George S. Whitaker et al., plaintiffs in error, *v.* Thomas McBride et al. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 14, Original. Ex parte: In the matter of Albert Heff, petitioner. Ordered that petitioner be discharged. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan.

No. 15, Original. *Ex parte*: In the matter of The Commonwealth of Massachusetts, petitioner. Rule discharged and petition dismissed. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 201. W. J. Warder, plaintiff in error, *v.* Mrs. Laura Loomis et al. In error to the United States circuit court of appeals for the fifth circuit. Dismissed for the want of jurisdiction. *Spencer v. Duplan Silk Company*, 191 U. S., 526; *Arbuckle v. Blackburn*, id., 405; *Continental National Bank v. Buford*, id., 119; *Blackburn v. Portland Gold Mining Company*, 175 U. S., 571; *Washer v. Bullitt County*, 110 U. S., 558.

No. 347. Union Refrigerator Transit Company, plaintiff in error, *v.* The Commonwealth of Kentucky by W. L. Weller, jr., revenue agent. Motion to advance granted, and cause assigned for argument on the first Tuesday of the next term (October 10), after the case already assigned for that day.

No. 530. Security Mutual Life Insurance Company, plaintiff in error, *v.* Henry R. Prewett, insurance commissioner; and

No. 539. The Travelers' Insurance Company of Hartford, Conn., plaintiff in error, *v.* Henry R. Prewett, insurance commissioner. Motion to advance denied without prejudice.

No. 541. Daniel R. Kendall, appellant, *v.* The American Automatic Loom Company. Motion to advance under thirty-second rule granted, and case will be taken on printed briefs on or before April 24.

No. 583. First National Bank of Baltimore, petitioner, *v.* William H. Staake, trustee, etc., et al.; and

No. 584. Henry K. McHarg et al., receivers, etc., et al., petitioners, *v.* William H. Staake, trustee, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 547. The Kansas City Southern Railway Company, petitioner, *v.* Clark Prunty. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 577. Albert C. Gunneson et al., petitioners, *v.* Chicago, Milwaukee and St. Paul Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 580. Memphis Consolidated Gas and Electric Company, petitioner, *v.* Jane Letson. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 585. Charles E. Moore et al., petitioners, *v.* Robert B. Petty et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 589. Stratton's Independence, Limited, petitioners, *v.* Tyson S. Dines et al., executors, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 593. The Western Electric Company, petitioner, *v.* John F. Hanselmann, jr. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 594. Great Northern Railway Company, petitioner, *v.* William C. Fowler. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 595. The United Engineering and Contracting Company, petitioner, *v.* Francis Broadnax. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. —, Original. *Ex parte*: In the matter of Oli Nifou, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari submitted by Mr. Gilbert F. Little for the petitioner.

No. 544. Lee Look, appellant, *v.* Robert J. Langford, sheriff, etc. Death of Robert J. Langford suggested, and appearance of Frank H. Ross, jr., his successor in office as sheriff of the county of Santa Clara, as the party appellee in this case filed and entered, on motion of Mr. James H. Campbell for the appellee.

No. 544. Lee Look, appellant, *v.* Frank H. Ross, jr., sheriff, etc. Motions to dismiss or affirm or advance submitted by Mr. James H. Campbell in support of motions, and by Mr. A. H. Jarman in opposition thereto.

No. 605. Harry L. Jewell, petitioner, *v.* City of Superior. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Chester B. Masslich for the petitioner.

No. 598. Peter Cahill, owner, etc., petitioner, *v.* Morris & Cummings Dredging Company; and

No. 599. Peter Cahill, owner, etc., petitioner, *v.* Annie Olsen, administratrix, etc. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. La Roy S. Gove and Mr. James J. Macklin for the petitioner, and by Mr. Albert A. Wray for the respondents.

No. 280. The L. A. Kinsey Company et al., petitioners, *v.* The Board of Trade of the City of Chicago. Leave granted to withdraw the appearance of Mr. Charles D. Fullen as counsel for petitioners herein, on motion of Mr. John A. Brown for the petitioners.

No. 402. Louis Auguste Marande et al., plaintiffs in error, *v.* The Texas and Pacific Railway Company. In error to the United States circuit court of appeals for the second circuit. Dismissed, per stipulation.

No. 493. Chicago and Western Indiana Railroad Company, plaintiff in error, *v.* Thomas Newell. Motions to dismiss or affirm submitted by Mr. Harvey Lautz in support of the motions, and by Mr. G. W. Kretzinger in opposition thereto.

No. 205. Edward Jaster, sr., plaintiff in error, *v.* F. M. Currie. Argument continued by Mr. E. J. Clements for the defendant in error, and by Mr. A. A. Abbott for the plaintiff in error, and concluded by Mr. E. J. Clements for the defendant in error.

No. 208. The Delaware, Lackawanna and Western Railroad Company, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Argument commenced by Mr. M. E. Olmsted for the plaintiff in error, continued by Mr. Hampton L. Carson for the defendant in error, and concluded by Mr. M. E. Olmsted for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 11, will be as follows: Nos. 210, 211, 212, 213, 215, 216, 217, 74 to 80, 218 and 220.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 11, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Charles D. Thompson of Jersey City, N. J., was admitted to practice.

No. 220. The Atlantic Lumber Company, petitioner, *v.* The L. Bucki & Son Lumber Company. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Dismissed with costs, pursuant to the tenth rule.

No. 242. Nicholas Bowden, executor, etc., et al., appellants, *v.* The City and County of San Francisco. Continued, per stipulation.

No. 250. Charles E. Dawson et al., plaintiffs in error, *v.* Thomas E. Waggaman, collector, etc. Continued, per stipulation.

No. 297. Mary K. Walp, plaintiff in error, *v.* C. E. Moar et al., copartners as Lamkin & Foster. In error to the supreme court of errors of the State of Connecticut. Dismissed with costs, on authority of counsel for plaintiff in error.

No. 210. The State of South Carolina, appellant, *v.* The United States. Argument commenced by Mr. Jackson H. Ralston for the appellant, and continued by Mr. Solicitor-General Hoyt for the appellee, and concluded by Mr. Jackson H. Ralston for the appellant.

No. 211. The Nederland Life Insurance Company, Limited, petitioner, *v.* Mary Meinert. Continued, per stipulation.

No. 212. The Texas and Pacific Railway Company, plaintiff in error, *v.* George H. Dashiell. Argument commenced by Mr. D. D. Duncan for the plaintiff in error, continued by Mr. Ben M. Terrell for the defendant in error, and concluded by Mr. D. D. Duncan for the plaintiff in error. Leave granted to both sides to file additional briefs within three days.

No. 213. Henry P. Booth, surviving partner, petitioner, *v.* The Norwegian Bark Eliza Lines et al. One hour additional time allowed each side in the argument of this case, on motion of Mr. Harrington Putnam of counsel. Argument commenced by Mr. L. S. Dabney for petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 12, will be as follows: Nos. 213, 215, 216, 217, 74 to 80, 218, 222, 24, 280 and 225.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 12, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Horace Pettit of Philadelphia, Pa., was admitted to practice.

No. 213. Henry P. Booth, surviving partner, petitioner, *v.* The Norwegian Bark Eliza Lines et al. Argument continued by Mr. L. S. Dabney for the petitioner, by Mr. Edward S. Dodge for Catherine T. Black, administratrix, and Banque de Genes, and by Mr. James A. Lowell and Mr. John Lowell for Hans Andreasen, claimant, etc.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 13, will be as follows: Nos. 213, 215, 216, 217, 74 to 80, 218, 222, 224, 280 and 225.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 13, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Vincent H. Riordan of Buffalo, N. Y., was admitted to practice.

No. —, Original. *Ex parte*: In the matter of Oli Nifou, petitioner. Leave granted to file brief in opposition to motion for leave to file petition for writs of habeas corpus and certiorari herein on or before the 19th instant, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 213. Henry P. Booth, surviving partner, petitioner, *v.* The Norwegian Bark Eliza Lines et al. Argument continued by Mr. John Lowell for Hans Andreasen, claimant, etc., by Mr. Harrington Putnam for Catherine T. Black, administratrix, and Banque de Genes, and concluded by Mr. L. S. Dabney for the petitioner.

No. 215. Board of Trade of the City of Chicago, appellant, *v.* Hammond Elevator Company et al. Argument commenced by Mr. Henry S. Robbins for the appellant, continued by Mr. Lloyd C. Whitman for the appellees, and concluded by Mr. Henry S. Robbins for the appellant.

No. 216. *H. C. Lane v. William E. Benner*. Argument commenced by Mr. William P. Jewett for Lane.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 14, will be as follows: Nos. 216, 217, 74 to 80, 218, 222, 224, 280, 225, 227 and 229.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 14, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Frank M. Loomis of Buffalo, N. Y., was admitted to practice.

No. 227. Nicholas J. Steigleder et al., appellants, *v.* Katherine Auguste McQuesten. Submitted by Mr. John E. Humphries for the appellants, and by Mr. James B. Howe for the appellee.

No. 216. H. C. Lane *v.* William E. Benner. Argument continued by Mr. William P. Jewett for Lane, by Mr. John H. King for Benner, and concluded by Mr. William P. Jewett for Lane.

No. 217. The Great Western Mining and Manufacturing Company, by L. C. Black, receiver, petitioner, *v.* Charles A. Harris et al., executors, etc., et al. Argument commenced by Mr. Harlan Cleveland for the petitioner.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 17, will be as follows: Nos. 217, 74 to 80, 218, 222, 224, 280, 225, 229, 230 and 231.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 17, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

James T. Macey of Washington, D. C., Fred Dennett of Washington, D. C., George R. Ogden of Missoula, Mont., John E. Fox of Harrisburg, Pa., William M. Hargest of Harrisburg, Pa., Horace McGuire of Rochester, N. Y., and George L. Roberts of Pittsburg, Pa., were admitted to practice.

No. 113. The City of Covington et al., appellants, *v.* The First National Bank of Covington, Ky.; and

No. 114. The First National Bank of Covington, Ky., appellant, *v.* The City of Covington et al. Appeals from the circuit court of the United States for the eastern district of Kentucky. Decree affirmed, each party to pay its own costs. Opinion by Mr. Justice Day.

No. 169. John B. Humphrey, plaintiff in error, *v.* Charles T. Tatman, trustee in bankruptcy of Nelson H. Davis. In error to the superior court of the State of Massachusetts. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 460. Hiram Remington, plaintiff in error, *v.* Central Pacific Railroad Company. In error to the circuit court of the United States for the northern district of New York. Judgment affirmed with costs, nunc pro tunc, as of February 27. Opinion by Mr. Justice Holmes.

No. 354. George W. Beavers, appellant, *v.* Charles J. Haubert, United States marshal, et al.; and

No. 355. George W. Beavers, appellant, *v.* Charles J. Haubert, United States marshal. Appeals from the district and circuit courts of the United States for the eastern district of New York. Orders affirmed with costs. Opinion by Mr. Justice McKenna.

No. 292. Joseph Lochner, plaintiff in error, *v.* The People of the State of New York. In error to the county court of Oneida County, State of New York. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Holmes, Mr. Justice Harlan, Mr. Justice White and Mr. Justice Day.

No. 85. Pabst Brewing Company, appellant, *v.* Giles Y. Crenshaw et al. Appeal from the circuit court of the United States for the western district of Missouri. Decree affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Justice Brown, Mr. Chief Justice Fuller, Mr. Justice Brewer and Mr. Justice Day.

No. 308. John A. Benson, appellant, *v.* William Henkel, United States marshal, etc. Appeal from the circuit court of the United States for the southern district of New York. Order affirmed with costs. Opinion by Mr. Justice Brown. Concurring opinion by Mr. Justice Day, with whom are Mr. Justice White, Mr. Justice Peckham and Mr. Justice McKenna.

The Chief Justice announced that the court would adjourn on Thursday until Monday next; that the call of the docket would be suspended on Friday, the 28th instant; that the court would take a recess from Monday, May 1, to Monday, May 15, and from Monday, May 15, to Monday, May 29, on which day it would adjourn for the term.

The Chief Justice also announced the following orders of the court:

No. 204. Mike Hernan, plaintiff in error, *v.* The State of Texas. In error to the court of criminal appeals of the State of Texas. Judgment affirmed with costs. *Noble v. Mitchell*, 164 U. S., 367, 372; *Osborne v. Florida*, id., 650; *Murray v. Gibson*, 15 How., 425. Case below, 77 S. W. Rep., 225.

No. 216. *H. C. Lane v. William E. Benner*. On a certificate from the United States circuit court of appeals for the eighth circuit. Second question answered in the negative, on the authority of *Knepper v. Sands*, 194 U. S., 476.

No. 493. Chicago and Western Indiana Railroad Company, plaintiff in error, *v.* Thomas Newell. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. *Life Assurance v. Brown*, 187 U. S., 311; *Bethell v. Demaret*, 10 Wall., 540; *Oxley Stave Company v. Butler County*, 166 U. S., 653; *Harding v. Illinois*, 196 U. S., 96; *Railroad Company v. Brown*, 17 Wall., 450; *Railroad Company v. Barron*, 5 Wall., 104; Ill. Stat., 3 Starr and Curtis, 3247, c. 114, par. 53; *Railway Company v. Hunt*, 209 Ill., 414; *Glenn v. Garth*, 147 U. S., 368; *Bacon v. Texas*, 163 U. S., 216. Case below, 72 N. E. Rep., 416.

No. 544. Lee Look, appellant, *v.* Frank H. Ross, sheriff of Santa Clara County, Cal. Appeal from the district court of the United States for the northern district of California. Final order affirmed with costs. Lee Look *v.* California, 195 U. S., 623; Markuson *v.* Boucher, 175 U. S., 184; People *v.* Lee Look, 143 Cal., 216. Mandate granted.

No. 598. Peter Cahill, owner, etc., petitioner, *v.* Norris and Cumings Dredging Company; and

No. 599. Peter Cahill, owner, etc., petitioner, *v.* Annie Olsen, administratrix, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 605. Harry L. Jewell, petitioner, *v.* City of Superior. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 610. The United States, petitioner, *v.* Emil Dieckerhoff et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Hoyt for the petitioner, and by Mr. W. Wickham Smith for the respondents.

No. 611. Allan N. MacNabb, trustee, etc., petitioner, *v.* The Bank of Le Roy. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frank M. Loomis for the petitioner, and by Mr. Vincent H. Riordan for the respondent.

No. 602. Herman Astrich, petitioner, *v.* German-American Insurance Company of New York. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Charles H. Bergner for the petitioner, and by Mr. William M. Hargest for the respondent.

No. 202. Alice I. Birrell, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.; and

No. 203. Patrick Kierns, plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Ordered to be placed at the foot of the call for Thursday, on motion of Mr. Edward Winslow Paige for the defendants in error.

No. 513. Robinson & Watson et al., plaintiffs in error, *v.* W. J. Win-gate, county judge of Orange County, Tex., et al. Motions to dismiss or affirm submitted by Mr. R. L. Robertson for the defendants in error in support of the motions.

No. 534. Edwards Sanford Hatch, appellant, *v.* Henry B. Ketcham, trustee, etc. Motions to dismiss or affirm submitted by Mr. Crandal Mackey in behalf of Mr. Benjamin N. Cardozo in support of the motions, and by Mr. John C. F. Gardner and Mr. A. B. Cruikshank in opposition thereto.

No. 217. The Great Western Mining and Manufacturing Company, by L. C. Black, receiver, petitioner, *v.* Charles A. Harris et al., executors, etc., et al. Argument continued by Mr. Brainard Tolles for the respondent, and concluded by Mr. Harlan Cleveland for the petitioner.

No. 74. The People of the State of New York ex rel. The Metropolitan Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 75. The People of the State of New York ex rel. The Twenty-third Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 76. The People of the State of New York ex rel. The Central Crosstown Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 77. The People of the State of New York ex rel. The Consolidated Gas Company of New York, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 78. The People of the State of New York ex rel. The New Amsterdam Gas Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 79. The People of the State of New York ex rel. The Brooklyn City Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners; and

No. 80. The People of the State of New York ex rel. The Coney Island and Brooklyn Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners. Seven hours allowed for the argument of these cases, on motion of Mr. Elihu Root for the plaintiffs in error. Argument commenced by Mr. William D. Guthrie for plaintiffs in error in Nos. 74, 75 and 76.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 18, will be as follows: Nos. 74 to 80, 218, 222, 224, 280, 225, 229, 230, 231 and 233.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 18, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Kleber P. Rockwell of Pontiac, Mich., Frank P. Stubbs of Monroe, La., and D. Caffery, jr., of Franklin, La., were admitted to practice.

No. 74. The People of the State of New York *ex rel.* The Metropolitan Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 75. The People of the State of New York *ex rel.* The Twenty-third Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 76. The People of the State of New York *ex rel.* The Central Crosstown Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 77. The People of the State of New York *ex rel.* The Consolidated Gas Company of New York, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 78. The People of the State of New York *ex rel.* The New Amsterdam Gas Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 79. The People of the State of New York *ex rel.* The Brooklyn City Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners; and

No. 80. The People of the State of New York *ex rel.* The Coney Island and Brooklyn Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners. Argument continued by Mr. William D. Guthrie for the plaintiffs in error in Nos. 74, 75 and 76, by Mr. Julius M. Mayer and Mr. Louis Marshall for the defendant in error in Nos. 74, 75 and 76, and by Mr. Elihu Root for the plaintiffs in error in Nos. 74, 75 and 76.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 19, will be as follows: Nos. 74 to 80, 218, 222, 224, 280, 225, 229, 230, 231 and 233.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 19, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

William T. Tomlinson of New York City was admitted to practice.

No. —, Original. *Ex parte*: In the matter of Oli Nifou, petitioner. Leave granted to file reply brief for petitioner within one week, on motion of Mr. Gilbert S. Little for the petitioner.

No. 618. Josiah Millard, appellant, *v.* Ellis H. Roberts, Treasurer of the United States, et al. Leave granted appellant to docket case and enter his appearance in propria persona, on motion of Mr. Josiah Millard pro se.

No. 323. Plymouth Cordage Company et al., appellants, *v.* J. A. Smith et al. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs on motion of counsel for appellants.

No. 74. The People of the State of New York ex rel. The Metropolitan Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 75. The People of the State of New York ex rel. The Twenty-third Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 76. The People of the State of New York ex rel. The Central Crosstown Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 77. The People of the State of New York ex rel. The Consolidated Gas Company of New York, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 78. The People of the State of New York ex rel. The New Amsterdam Gas Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 79. The People of the State of New York ex rel. The Brooklyn City Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners; and

No. 80. The People of the State of New York ex rel. The Coney Island and Brooklyn Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners. Argument continued by Mr. Elihu Root for the plaintiffs in error in Nos. 74, 75, 76, 77 and 78, by Mr. Julius M. Mayer and Mr. Louis Marshall for the defendants in error in Nos. 77 and 78, by Mr. Elihu Root for the plaintiffs in error in Nos. 77 and 78, by Mr. Charles A. Collin for the plaintiff in error in No. 79, by Mr. Julius M. Mayer for the defendant in error in No. 79, and concluded by Mr. Louis Marshall for the defendant in error in No. 79.

No. 218. Lee L. Clark et al., plaintiffs in error, *v.* E. J. Nash. Argument commenced by Mr. J. W. N. Whitecotton for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 20, will be as follows: Nos. 218, 222, 224, 280, 225, 229, 230, 231, 233 and 202 (and 203).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 20, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Alvin C. Cass of New York City was admitted to practice.

No. 202 of October term, 1901. Mary E. Quinn, plaintiff in error, *v.* Caroline A. Ladd et al. Leave granted to withdraw original exhibit herein, upon leaving a certified copy of same, on application of counsel for defendants in error.

No. 16, Original. *Ex parte*: In the matter of Gertrude Glaser, administratrix, etc., petitioner. Submitted by Mr. Richard A. Irving for the petitioner, and by Mr. Alvin C. Cass for the respondent, with leave to counsel on both sides to file briefs within one week.

No. 218. Lee L. Clark et al., plaintiffs in error, *v.* E. J. Nash. Argument concluded by Mr. J. W. N. Whitecotton for the plaintiffs in error. No appearance for the defendant in error.

No. 222. Adelaide M. Harding, plaintiff in error, *v.* George F. Harding. Argument commenced by Mr. Pliny B. Smith for the plaintiff in error, continued by Mr. William H. Barnum for the defendant in error, and concluded by Mr. Pliny B. Smith for the plaintiff in error.

No. 224. The Board of Trade of the City of Chicago, petitioner, *v.* Christie Grain and Stock Company et al.; and

No. 280. The L. A. Kinsey Company et al., petitioners, *v.* The Board of Trade of the City of Chicago. Six hours allowed in the argument of these cases. Argument commenced by Mr. Henry S. Robbins for the Board of Trade of the City of Chicago.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 24, will be as follows: Nos. 224 (and 280), 225, 229, 230, 231, 233, 202 (and 203), 234, 237 and 238.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 24, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

Walter H. Bacon of Bridgeton, N. J., Charles J. Schnabel of Portland, Oreg., Charles S. Babcock of Chicago, Ill., Henry H. Clark of Cripple Creek, Colo., Winslow Evans of Peoria, Ill., J. Aspinwall Hodge of New York City and William Pike Hall of Shreveport, La., were admitted to practice.

No. 205. Edward Jaster, sr., plaintiff in error, *v.* F. M. Currie. In error to the supreme court of the State of Nebraska. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes. Mr. Justice McKenna and Mr. Justice Day concurred in the result.

No. 227. Nicholas J. Steigleder et al., appellants, *v.* Katherine Auguste McQuesten. Appeal from the circuit court of the United States for the district of Washington. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Washington. Opinion by Mr. Justice Harlan.

No. 130. Howe Scale Company of 1886 et al. *v.* Wyckoff, Seamans & Benedict. On writ and cross-writ of certiorari to the United States circuit court of appeals for the second circuit. Decree of the United States circuit court of appeals and of the circuit court of the United States for the district of Vermont reversed, with costs to the defendants, and cause remanded to the said circuit court with directions to dismiss the bill. Opinion by Mr. Chief Justice Fuller.

No. 50. Fernand Bonin et al., plaintiffs in error, *v.* The Gulf Company. In error to the United States circuit court of appeals for the fifth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller. Petition for writ of certiorari denied.

The Chief Justice also announced the following orders of the court:

No. 513. Robinson and Watson, etc., et al., plaintiffs in error, *v. W. J. Wingate*, county judge of Orange County, Tex., et al. In error to the court of civil appeals of the first supreme judicial district of the State of Texas. Dismissed for the want of jurisdiction. *Oxley Stave Company v. Butler County*, 166 U. S., 648; *Erie Railroad Company v. Purdy*, 185 U. S., 148; *Harding v. Illinois*, 196, U. S., 78. Case below, 80 S. W. W. Rep., 1067; 83 S. W. Rep., 182. Mandate granted.

No. 534. Edwards Sanford Hatch, appellant, *v. Henry B. Ketcham*, trustee in bankruptcy, etc. Appeal from the United States circuit court of appeals for the second circuit. Dismissed for the want of jurisdiction, on the authority of *Holden v. Stratton*, 191 U. S., 115.

No. 602. Herman Astrich, petitioner, *v. German-American Insurance Company of New York*. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 611. Allan N. MacNabb, trustee, etc., petitioner, *v. The Bank of Le Roy*. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 610. The United States, petitioner, *v. Emil Dieckerhoff et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 254. The New York, New Haven and Hartford Railroad Company, appellant, *v. The Interstate Commerce Commission*; and

No. 260. The Interstate Commerce Commission, appellant, *v. The Chesapeake and Ohio Railway Company et al.* Continued, per stipulation, on motion of Mr. Solicitor-General Hoyt for the Interstate Commerce Commission.

No. 308. John A. Benson, appellant, *v. William Henkel*, United States marshal. Motion that mandate issue at once submitted by Mr. Solicitor-General Hoyt in support of motion, and by Mr. R. Golden Donaldson in opposition thereto.

Nos. 354 and 355. George W. Beavers, appellant, *v. Charles J. Haubert*, United States marshal. Mandates granted, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 624. The United States, petitioner, *v. The Cornell Steamboat Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Hoyt for the petitioner, and by Mr. R. D. Benedict for the respondent.

No. 627. John W. Ballmann, appellant, *v. Vivian J. Fagin*, United States marshal, etc. Motion to advance submitted by Mr. Solicitor-General Hoyt in support of motion, and suggestion in relation thereto

submitted by Mr. Laurence Maxwell, jr., Mr. Thomas F. Shay and Mr. Miller Outcault for the appellant.

No. 625. Charles C. Wilson, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Henry E. Davis in behalf of Mr. Burton Smith for the petitioner, and by Mr. F. G. du Bignon for the respondent.

No. 620. Frank Kelley et al., petitioners, *v.* The Diamond Drill and Machine Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Horace Pettit for the petitioner, and by Mr. W. C. Strawbridge for the respondent.

No. 431. Ignacio Rosales y Cueli, plaintiff in error, *v.* Dolores Moya y Rodriguez, guardian, etc. Motion to dismiss submitted by Mr. George H. Lamar in support of motion, with leave to counsel for the plaintiff in error to file brief in opposition on or before May 15.

No. 576. Edward B. Whitney, trustee, etc., appellant, *v.* Charles H. Wenman et al. Advanced under the thirty-second rule, on motion of Mr. J. Aspinwall Hodge for the appellant, and cause submitted by Mr. Robert D. Murray and Mr. George H. Gilman for the appellant, and by Mr. Edwin B. Smith and Mr. Louis F. Doyle for the appellees, with leave to counsel for appellants to file reply brief within one week.

No. 582. New York Telephone Company, petitioner, *v.* Charles H. Treat, collector, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. C. Walter Artz for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 616. The District of Columbia, petitioner, *v.* John W. Lee. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. A. B. Duvall, Mr. E. H. Thomas and Mr. F. H. Stephens for the petitioner.

No. 561. The Leather Manufacturers' National Bank of New York City, petitioner, *v.* Charles H. Treat, collector, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frank W. Hackett for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 279. John J. Cochran et al., plaintiffs in error, *v.* The County of Montgomery. Motion to vacate order postponing motion to dismiss to the hearing on the merits submitted by Mr. William L. Martin for the defendant in error.

No. 401. John J. Cochran et al., petitioners, *v.* County of Montgomery. Motion to vacate order postponing consideration of petition for writ of

certiorari to the hearing of the case on writ of error submitted by Mr. William L. Martin for the respondent.

No. 626. Herbert Barber et al., petitioners, *v.* Edward R. Lazarus. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederic D. McKenney in behalf of Mr. J. Parker Kirlin for the petitioners.

No. 516. Thomas M. Riggins, appellant, *v.* The United States. Advanced under the thirty-second rule, on motion of Mr. Thomas H. Clark in behalf of Mr. Lawrence Cooper for the appellant.

No. 586. Lottie R. Russell, petitioner, *v.* Benjamin Russell et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John G. Carlisle and Mr. John H. Hazelton for the petitioner, and by Mr. Walter H. Bacon for the respondents.

No. 541. Daniel R. Kendall, appellant, *v.* The American Automatic Loom Company. Submitted under the thirty-second rule by Mr. Noah C. Rogers for the appellant, and by Mr. Benjamin N. Cardoza for the appellee.

No. 224. The Board of Trade of the City of Chicago, petitioner, *v.* Christie Grain and Stock Company; and

No. 280. The L. A. Kinsey Company et al., petitioners, *v.* The Board of Trade of the City of Chicago. Argument continued by Mr. Henry S. Robbins for the Board of Trade of the City of Chicago, by Mr. James H. Harkless and Mr. W. H. Rossington for the Christie Grain and Stock Company, and by Mr. Lloyd Charles Whitman for the L. A. Kinsey Company et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 25, will be as follows: Nos. 224 (and 280), 225, 229, 230, 231, 233, 202 (and 203), 234, 237 and 238.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 25, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

John W. Threshie of Boston, Mass., and William Lesser of New York City were admitted to practice.

No. 627. John W. Ballmann, appellant, *v.* Vivian J. Fagin, United States marshal. Motion to advance granted, and cause assigned for argument on Monday, May 8.

No. 243. Union Pacific Railroad Company, appellant, *v.* Mason City and Fort Dodge Railroad Company. Continued, per stipulation.

No. 248. The Attorney-General of the State of Michigan *ex rel.* L. E. Kies et al., plaintiffs in error, *v.* Thomas J. Lowrey et al. Continued, per stipulation.

No. 224. The Board of Trade of the City of Chicago, petitioner, *v.* Christie Grain and Stock Company et al.; and

No. 280. The L. A. Kinsey Company et al., petitioners, *v.* The Board of Trade of the City of Chicago. Argument continued by Mr. Lloyd Charles Whitman and Mr. E. D. Crumpacker for the L. A. Kinsey Company et al., and concluded by Mr. Henry S. Robbins for the Board of Trade of the City of Chicago. Leave granted to Mr. Julien T. Davies to file a brief herein, on motion of Mr. Frederic D. McKenney in his behalf.

No. 225. The Louisville and Nashville Railroad Company, petitioner, *v.* The West Coast Naval Stores Company. Submitted by Mr. W. A. Blount and Mr. A. C. Blount, jr., for the petitioner, and by Mr. John C. Avery for the respondent.

No. 229. Henry Van Reed, plaintiff in error, *v.* The People's National Bank of Lebanon, Pa. Submitted by Mr. James W. M. Newlin for the plaintiff in error, and by Mr. Percy S. Dudley for the defendant in error.

No. 230. Reuben Hodges et al., plaintiffs in error, *v.* The United States. Continued.

No. 231. The Old Dominion Steamship Company, plaintiff in error, *v.* Commonwealth of Virginia. Argument commenced by Mr. William H. White for the plaintiff in error, and continued by Mr. William A. Anderson for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 26, will be as follows: Nos. 231, 233, 202 (and 203), 234, 237, 238, 239 (and 240), 241, 245 and 246 (and 247).



SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 26, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice Holmes and Mr. Justice Day.

No. 241. Jose Mauleon y Castilo, appellant, *v.* Jose Urrutea y Corton, warden, etc. Appeal from the supreme court of Porto Rico. Dismissed with costs, pursuant to the tenth rule.

No. 231. The Old Dominion Steamship Company, plaintiff in error, *v.* Commonwealth of Virginia. Argument continued by Mr. William A. Anderson for the defendant in error, and concluded by Mr. William H. White for the plaintiff in error.

No. 233. A. H. Leonard et al., plaintiffs in error, *v.* The Vicksburg, Shreveport and Pacific Railroad Company et al. Argument commenced by Mr. William P. Hall for the plaintiffs in error, and continued by Mr. Harry H. Hall and Mr. Frank P. Stubbs for defendants in error, and by Mr. William P. Hall for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 27, will be as follows: Nos. 233, 202 (and 203), 234, 237, 238, 239 (and 240), 245, 246 (and 247), 249 and 255.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 27, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Kenneth Baillio of Opelousas, La., James M. Gifford of New York City, B. A. Younker of Des Moines, Iowa, and David C. Barrow of Savannah, Ga., were admitted to practice.

No. 233. A. H. Leonard et al., plaintiffs in error, *v.* The Vicksburg, Shreveport and Pacific Railroad Company et al. Argument concluded by Mr. William P. Hall for the plaintiffs in error.

No. 202. Alice I. Birrell, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.; and

No. 203. Patrick Kierns, executor, etc., plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Argument commenced by Mr. A. B. Cruikshank for the plaintiff in error, and continued by Mr. Ira A. Place and Mr. Edward Winslow Paige for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 28, will be as follows: Nos. 202 (and 203), 234, 237, 238, 239 (and 240), 245, 246 (and 247), 249, 255 and 256.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 28, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

No. 245. Ah Sin, plaintiff in error, *v.* George W. Wittman, as chief of police of the city and county of San Francisco. Submitted by Mr. George D. Collins for the plaintiff in error, and by Mr. L. F. Byington and Mr. I. Harris for the defendant in error.

No. 202. Alice I. Birrell, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.; and

No. 203. Patrick Kierns, executor, etc., plaintiff in error, *v.* The New York and Harlem Railroad Company et al. Argument continued by Mr. Edward Winslow Paige for the defendants in error, and concluded by Mr. A. B. Cruikshank for the plaintiffs in error.

No. 234. The Supreme Lodge, Knights of Pythias, plaintiff in error, *v.* Henrietta Meyer. Argued by Mr. Otto H. Divege for the defendant in error, and submitted by Mr. Carlos S. Hardy and Mr. Laurence G. Goodhart for the plaintiff in error.

No. 237. W. L. Wells Company, petitioner, *v.* Gastonia Cotton Manufacturing Company. Argument commenced by Mr. Joseph Hirsh for the petitioner, continued by Mr. Augustus H. Price for the respondent, and concluded by Mr. Charles W. Tillett for the petitioner.

No. 238. The Savannah, Thunderbolt and Isle of Hope Railway of Savannah, plaintiff in error, *v.* The Mayor and Aldermen of the City of Savannah. Argument commenced by Mr. David C. Barrow for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 1, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Joseph Packard of Baltimore, Md., Erastus J. Turner of Washington, D. C., Samuel T. G. Smith of St. Louis, Mo., and Alexander C. Ayres of Indianapolis, Ind., were admitted to practice.

No. 200. R. R. Dunbar et al., plaintiffs in error, *v.* Lucretia L. Green et al. In error to the supreme court of the State of Kansas. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Brown.

No. 183. Rafael Rodriguez et al., plaintiffs in error, *v.* The United States. In error to the district court of the United States for the district of Porto Rico. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 523. George W. Allen, administrator, etc., plaintiff in error, *v.* Frank M. Arguimbau, surviving partner, etc. In error to the supreme court of the State of Florida. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

• The Chief Justice also announced the following orders of the court:

No. —, Original. *Ex parte:* In the matter of Oli Nifou, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari denied.

No. 279. John J. Cochran et al., plaintiffs in error, *v.* The County of Montgomery. Motion to vacate order postponing motion to dismiss to the hearing on the merits denied.

No. 401. John J. Cochran et al., petitioners, *v.* The County of Montgomery. Motion to vacate order postponing consideration of petition for writ of certiorari to the hearing in No. 279 denied.

No. 308. John A. Benson, appellant, *v.* William Henkel, United States marshal, etc. Motion that mandate issue granted.

No. 624. The United States, petitioner, *v.* The Cornell Steamboat Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 561. The Leather Manufacturers' National Bank of New York City, petitioner, *v.* Charles H. Treat, collector, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 582. New York Telephone Company, petitioner, *v.* Charles H. Treat, collector, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 586. Lottie R. Russell, petitioner, *v.* Benjamin Russell et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 616. The District of Columbia, petitioner, *v.* John W. Lee. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 620. Frank Kelley et al., petitioners, *v.* The Diamond Drill and Machine Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 625. Charles C. Wilson, petitioner, *v.* Atlantic Coast Line Railroad Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 626. Herbert Barber et al., petitioners, *v.* Edward R. Lazarus. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 257. Isaac K. Kerr, plaintiff in error, *v.* The United States. In error to the United States circuit court of appeals for the seventh circuit. Dismissed, on authority of counsel for the plaintiff in error, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 622. Peter Pearson et al., petitioners, *v.* William Williams, United States Commissioner of Immigration. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Eugene Treadwell for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 632. William S. Bryan, petitioner, *v.* Joseph C. Dupoyster et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. S. T. G. Smith and Mr. C. C. Calhoun for the petitioner, and by Mr. Ira Julian for the respondents.

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Motion to fix day for hearing submitted by Mr. Hannis Taylor for defendant.

No. 637. The Consumers' Gas Trust Company et al., petitioners, *v.* Byron C. Quimby. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Addison C. Harris for the petitioners, and by Mr. Alexander C. Ayres and Mr. Ferdinand Winter for the respondent.

No. 501. E. A. Wimbish, superintendent, etc., appellant, *v.* Henry Jamison. Motion to advance submitted by Mr. Minter Wimberly for the appellant.

No. 604. The Empire State-Idaho Mining and Developing Company et al., appellants, *v.* Kennedy J. Hanley. Motions to dismiss submitted by Mr. Robert A. Howard in behalf of Mr. M. A. Folsom in support of motion, and by Mr. George Turner and Mr. W. B. Heyburn in opposition thereto, with leave to both sides to file additional briefs.

No. 641. Louis A. Darnal, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. W. M. Smith for the petitioner, with leave to counsel for respondent to file brief on or before Friday next.

No. 435. Nick Gurvick *v.* The United States. Advanced and submitted on the certificate, on motion of Mr. Solicitor-General Hoyt for the United States.

No. 435. Nick Gurvick *v.* The United States. On a certificate from the United States circuit court of appeals for the ninth circuit. On the authority of *Rasmussen v. United States*, 197 U. S., —, the question is answered that the district court of the United States for the district of Alaska, division No. 1, erred in compelling the plaintiff in error to go to trial before a jury composed of only six persons. Announced by Mr. Chief Justice Fuller.

No. 238. The Savannah, Thunderbolt and Isle of Hope Railway of Savannah, plaintiff in error, *v.* The Mayor and Aldermen of the City of Savannah. Argument continued by Mr. D. C. Barrow for the plaintiff in error, and concluded by Mr. William Garrard for the defendants in error.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 8, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Sherman T. McPherson of Cincinnati, Ohio, Henry Reed Hatfield of Philadelphia, Pa., Lester H. Strawn of Ottawa, Ill., and C. D. Clark of Evanston, Wyo., were admitted to practice.

No. 224. The Board of Trade of the City of Chicago, petitioner, *v.* Christie Grain and Stock Company et al. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Decree reversed with costs, and cause remanded to the circuit court of the United States for the western district of Missouri for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Day.

No. 280. The L. A. Kinsey Company et al., petitioners, *v.* The Board of Trade of the City of Chicago. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Indiana. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Day.

No. 535. The United States *v.* Ju Toy. On a certificate from the United States circuit court of appeals for the ninth circuit. First question answered in the negative and third question in the affirmative, with the result that the second question should be answered that the writ should be dismissed. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Brewer, Mr. Justice Peckham and Mr. Justice Day.

No. 195. Joseph L. Harley, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Peckham.

No. 191. Isaac H. Harris, plaintiff in error, *v.* B. Balk. In error to the supreme court of the State of North Carolina. Judgment reversed

with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice Day.

No. 209. D. N. Holden et al., petitioners, *v.* J. A. Stratton, trustee. On writ of certiorari to the United States circuit court of appeals for the ninth circuit. Decree of the United States circuit court of appeals reversed with costs, and decree of the district court of the United States for the district of Washington affirmed with costs, and cause remanded to the district court of the United States for the western district of Washington. Opinion by Mr. Justice White. (Mr. Justice McKenna took no part in the decision of this case.)

No. 194. Riverdale Cotton Mills, petitioner, *v.* Alabama and Georgia Manufacturing Company et al. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Decree of the United States circuit court of appeals reversed with costs, and decree of the circuit court of the United States for the northern district of Georgia affirmed with costs, and cause remanded to said circuit court. Opinion by Mr. Justice Brewer.

No. 237. W. L. Wells Company, petitioner, *v.* Gastonia Cotton Manufacturing Company. On writ of certiorari to the United States circuit court of appeals for the fourth circuit. Decree reversed with costs, and cause remanded to the said United States circuit court of appeals with directions to set aside its own judgment and for such further proceedings touching the merits of the case as may be consistent with the opinion of this court and with law. Opinion by Mr. Justice Harlan.

No. 175. George Schlosser, plaintiff in error, *v.* W. L. Hemphill et al. In error to the supreme court of the State of Iowa. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 16, Original. *Ex parte*: In the matter of Gertrude Glaser, administratrix, etc., petitioner. Rule discharged and petition for writ of mandamus denied. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 11, Original. State of Louisiana, complainant, *v.* State of Mississippi. Motion to assign case for argument granted, and case set down at the head of the call for Tuesday, October 10 next.

No. 501. E. A. Wimbish, superintendent, etc., appellant, *v.* Henry Jamison. Motion to advance granted, and cause assigned for argument on Tuesday, October 10 next, after the cases already set down for that day.

No. 622. Peter Pearson et al., petitioners, *v.* William Williams, United States Commissioner of Education. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 632. William S. Bryan, petitioner, *v.* Joseph C. Dupoyster et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 637. The Consumers' Gas Trust Company et al., petitioners, *v.* Byron C. Quinby. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 641. Louis A. Darnal, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 197. J. W. Guthrie et al., plaintiffs in error, *v.* Henry O. Harkness. Restored to the docket for oral argument, and assigned for Tuesday, October 10 next, after the cases already set down for that day.

The Chief Justice also announced that the court would adjourn from to-day to Monday, the 15th instant.

No. 606. Simon Burns et al., appellants, *v.* John W. Hayes et al. Motions to dismiss or affirm submitted by Mr. Henry E. Davis in support of the motions, and by Mr. John Ridout and Mr. R. Golden Donaldson in opposition thereto.

No. 12, Original. The State of Wisconsin, complainant, *v.* Ethan Allen Hitchcock, Secretary of the Interior. Time to file answer herein extended to the first day of the next term (October 9 next), on motion of Mr. Assistant Attorney-General Campbell for the defendant and in pursuance of stipulation of counsel.

No. 639. Stephen A. Ralli et al., petitioners, *v.* The Direct Navigation Company; and

No. 640. P. C. Heineken et al., petitioners, *v.* The Direct Navigation Company. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Francis S. Laws, Mr. John F. Lewis, and Mr. James B. Stubbs for the petitioners, and by Mr. M. F. Mott for the respondent.

No. 651. Benjamin F. McCaully, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. A. A. Birney and Mr. H. F. Woodard for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 627. John W. Ballmann, appellant, *v.* Vivian J. Fagin, United States marshal, etc. Argument commenced by Mr. Lawrence Maxwell, jr., for the appellant, continued by Mr. Solicitor-General Hoyt for the appellee, and concluded by Mr. Lawrence Maxwell, jr., for the appellant.

Adjourned until Monday next at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 15, 1905.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

P. Taylor Bryan of St. Louis, Mo., Stuart McNamara of the District of Columbia, Gustave Gunzendorfer of San Francisco, Cal., Milton A. Fowler of Poughkeepsie, N. Y., Samuel Herrick of Herrick, S. Dak., Samuel W. Cooper of Philadelphia, Pa., Robert S. Hume of the State of Virginia, Robert L. Batts of Austin, Tex., Carl H. Cochran of Denver, Colo., Henry Wood Fowler of Worcester, Mass., Aylett R. Cotton, jr., of Iloilo, P. I., and Harry J. Bone of Ashland, Kans., were admitted to practice.

No. 192. Cimiotti Unhairing Company et al., petitioners, *v.* American Fur Refining Company et al. On writ of certiorari to the United States circuit court of appeals for the third circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of New Jersey. Opinion by Mr. Justice Day.

No. 238. The Savannah, Thunderbolt and Isle of Hope Railway of Savannah, Georgia, plaintiff in error, *v.* The Mayor and Aldermen of the City of Savannah. In error to the supreme court of the State of Georgia. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 180. The United States et al., appellants, *v.* Lineas Winans et al., etc. Appeal from the circuit court of the United States for the district of Washington. Decree reversed, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice White.

No. 198. The Chicago, Milwaukee and St. Paul Railway Company, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 202. Alice I. Birrell, plaintiff in error, *v.* The New York and Harlem Railroad Company et al.; and

No. 203. Patrick Kierns, executor, etc., plaintiff in error, *v.* The New York and Harlem Railroad Company et al. In error to the supreme court of the State of New York. Judgments reversed with costs, and

causes remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna. Dissenting: Mr. Chief Justice Fuller, Mr. Justice White, Mr. Justice Peckham and Mr. Justice Holmes.

No. 208. The Delaware, Lackawanna and Western Railroad Company, plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Chief Justice Fuller.

No. 218. Lee L. Clark et al., plaintiffs in error, *v.* E. J. Nash. In error to the supreme court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan and Mr. Justice Brewer.

No. 159. Abram P. Thompson, plaintiff in error, *v.* Joseph J. Darden. In error to the supreme court of appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 222. Adelaide M. Harding, plaintiff in error, *v.* George F. Harding. In error to the supreme court of the State of California. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White. (Mr. Justice Brown concurs in the result.)

No. 231. The Old Dominion Steamship Company, plaintiff in error, *v.* Commonwealth of Virginia. In error to the supreme court of appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Harlan, Mr. Justice White and Mr. Justice Day. (Mr. Justice McKenna took no part in the decision of this case.)

No. 604. The Empire State-Idaho Mining and Developing Company et al., appellants, *v.* Kennedy J. Hanley. Appeal from the United States circuit court of appeals for the ninth circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

No. 139. The First National Bank of Chicago et al., petitioners, *v.* The Chicago Title and Trust Company, trustee, et al. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decrees of United States circuit court of appeals reversed with costs, and cause remanded to said court with a direction to dismiss the appeals. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 639. Stephen A. Ralli et al., petitioners, *v.* The Direct Navigation Company; and

No. 640. P. C. Heineken et al., petitioners, *v.* The Direct Navigation Company. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 651. Benjamin F. McCaully, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 606. Simon Burns et al., appellants, *v.* John W. Hayes et al. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 535. The United States *v.* Ju Toy. Motion for mandate submitted by Mr. Solicitor-General Hoyt for the United States.

Nos. 643, 644 and 645. George E. Green, appellant, *v.* Clinton D. MacDougall, United States marshal. Motions to dismiss or affirm submitted by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General Purdy in support of motions, and by Mr. John G. Johnson in opposition thereto.

Nos. 656 and 657. William H. Staake, trustee, etc., petitioner, *v.* Watts, Robertson & Robertson et al. Petitions for writs of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. S. W. Cooper and Mr. H. Gordon McCouch for the petitioner, and by Mr. S. Hamilton Graves for the respondents.

No. 653. The Pitch Pine Lumber Company, petitioner, *v.* William S. Rosasco et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. C. C. Burlingham and Mr. Harrington Putnam for the petitioner, and by Mr. J. Parker Kirlin and Mr. Charles R. Hickox for the respondents.

No. 606. Simon Burns et al., appellants, *v.* John W. Hayes et al. Motion for rule to show cause why appellees should not be punished for contempt submitted by Mr. John Ridout and Mr. R. Golden Donaldson for the appellants.

No. 654. The Brunswick-Balke-Collender Company, petitioner, *v.* John G. Klumpp et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Joseph C. Clayton for the petitioner, with leave to counsel for respondents to file brief on or before the 22d instant.

No. 659. Martha Raphael, administratrix, etc., petitioner, *v.* The Rio Grande Western Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Charles Locke Easton for the petitioner, and by Mr. William Mason Smith, Mr. A. H. Joline and Mr. E. M. Shepard for the respondents, with leave to counsel for petitioner to file reply brief within three days.

No. 647. D. G. Fritzlen et al., petitioners, *v.* Boatmen's Bank of St. Louis, Missouri. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. H. J. Bone and Mr. D. R. Hite for the petitioners, and by Mr. James S. Botsford for the respondent.

No. 663. John B. McPherson, judge, etc., petitioner, *v.* American Soda Fountain Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. W. G. Henderson for the petitioner.

No. 638. Francis H. Duehay, petitioner, *v.* The District of Columbia. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Samuel Maddox for the petitioner, and by Mr. A. B. Duvall and Mr. F. H. Stephens for the respondent.

No. 398. John C. Orrell et al., plaintiffs in error, *v.* The Bay Manufacturing Company. Motion to dismiss submitted by Mr. Eaton J. Bowers in support of motion, and by Mr. E. M. Barber, Mr. Frederic D. McKenney, Mr. John Spalding Flannery and Mr. William Hitz in opposition thereto.

No. 660. Last Chance Mining Company et al., petitioners, *v.* Bunker Hill and Sullivan Mining and Concentrating Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. George H. Patrick in behalf of Mr. George Turner and Mr. W. B. Heyburn for the petitioners, and by Mr. Curtis H. Lindley, Mr. H. Eickhoff and Mr. M. A. Folsom for the respondent.

No. 277. Nicholas J. Steigleder et al., appellants, *v.* Katherine Auguste McQuesten. Mandate granted, per stipulation of counsel.

No. 588. Edward W. Shoemith, appellant, *v.* H. Meyer Boot and Shoe Manufacturing Company et al. Motion to dismiss submitted by Mr. Gwynn Garnett in support of motion, and by Mr. William R. Payne in opposition thereto.

No. 5, Original. The State of Missouri, complainant, *v.* The State of Nebraska. Report of commissioners filed and ordered to be confirmed unless exceptions thereto are filed within two weeks.

Adjourned until Monday, May 29, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 29, 1905.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Reeves Trenchard Strickland of the District of Columbia, George J. Drewry of Louisville, Ky., Eugene A. Jones of the District of Columbia, L. T. Rowe of Philadelphia, Pa., James C. Hering of Seattle; Wash., Roger S. Powell of Duluth, Minn., Scipio A. Jones of Little Rock, Ark., Robert Lee Montague of Washington, D. C., Charles Henry Topping of New York City, Robert B. Redwine of Monroe, N. C., Martin Conboy of New York City, John W. Halliburton of Carthage, Mo., Vinton Pike of St. Joseph, Mo., and John D. Grace of New Orleans, La., were admitted to practice.

No. 217. The Great Western Mining and Manufacturing Company, by L. C. Black, receiver, petitioner, *v.* Charles A. Harris et al., executors, etc. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Vermont. Opinion by Mr. Justice Day. Mr. Justice Brewer concurs in the result.

No. 229. Henry Van Reed, plaintiff in error, *v.* The People's National Bank of Lebanon, Pa. In error to the court of appeals of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 576. Edward B. Whitney, as trustee, etc., appellant, *v.* Charles H. Wenman et al. Appeal from the district court of the United States for the southern district of New York. Decree reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Day.

No. 424. Union Trust Company and Security Warehousing Company *v.* Henry L. Wilson, trustee, etc. On a certificate from the United States circuit court of appeals for the seventh circuit. First and second

questions answered in the affirmative. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan, Mr. Justice Brewer and Mr. Justice Day.

No. 212. The Texas and Pacific Railway Company, plaintiff in error, *v.* George H. Dashiell. In error to the United States circuit court of appeals for the fifth circuit. Judgment affirmed with costs, and cause remanded to the circuit court of the United States for the northern district of Texas. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer, Mr. Justice Brown and Mr. Justice Peckham.

No. 234. Supreme Lodge Knights of Pythias, plaintiff in error, *v.* Henrietta Meyer. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 245. Ah Sin, plaintiff in error, *v.* George W. Wittman, as chief of police of the city and county of San Francisco, Cal. In error to the superior court in and for the city and county of San Francisco, State of California. Order affirmed with costs. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Peckham.

No. 225. The Louisville and Nashville Railroad Company, petitioner, *v.* The West Coast Naval Stores Company. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgments reversed, and cause remanded to the circuit court of the United States for the northern district of Florida for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 541. Daniel R. Kendall, appellant, *v.* The American Automatic Loom Company. Appeal from the circuit court of the United States for the southern district of New York. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 165. Margaret Cunnius, now Margaret Smith, plaintiff in error, *v.* The Reading School District. In error to the supreme court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 120. Giovanni Lavagnino, plaintiff in error, *v.* Edmund H. Uhlig et al. In error to the supreme court of the State of Utah. Judgment affirmed with costs. Opinion by Mr. Justice White. Mr. Justice Brewer concurs in the result. Dissenting: Mr. Justice McKenna.

No. 193. Charles H. Farrell, administrator, etc., et al., appellants, *v.* Terence O'Brien, as administrator, etc., et al. Appeal from the United States circuit court of appeals for the ninth circuit. Appeal dismissed. Writ of certiorari granted and decree affirmed with costs, and cause remanded to the circuit court of the United States for the western district of Washington. Opinion by Mr. Justice White.

No. 406. Frederick A. Hyde, appellant, *v.* John H. Shine, United States marshal in and for the northern district of California, et al.; and

No. 410. Henry P. Dimond, appellant, *v.* John H. Shine, United States marshal in and for the northern district of California, et al. Appeals from the circuit court of the United States for the northern district of California. Orders affirmed with costs. Opinion by Mr. Justice Brown. Dissenting: Mr. Justice Peckham, Mr. Justice White and Mr. Justice McKenna.

No. 215. Board of Trade of the City of Chicago, appellant, *v.* Hammond Elevator Company et al. Appeal from the circuit court of the United States for the northern district of Illinois. Decree reversed with costs, and cause remanded for further proceedings. Opinion by Mr. Justice Brown. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan and Mr. Justice Day. Separate opinion by Mr. Justice Holmes.

No. 74. The People of the State of New York ex rel. The Metropolitan Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 75. The People of the State of New York ex rel. The Twenty-third Street Railway Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 76. The People of the State of New York ex rel. The Central Crosstown Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 77. The People of the State of New York ex rel. The Consolidated Gas Company of New York, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 78. The People of the State of New York ex rel. The New Amsterdam Gas Company, plaintiff in error, *v.* The State Board of Tax Commissioners;

No. 79. The People of the State of New York ex rel. The Brooklyn City Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners; and

No. 80. The People of the State of New York ex rel. The Coney Island and Brooklyn Railroad Company, plaintiff in error, *v.* The State Board of Tax Commissioners. In error to the supreme court of the State of New York. Judgments affirmed with costs. Opinions by Mr. Justice Brewer.

No. 188. William H. H. Gleason, plaintiff in error, *v.* Edward L. White. In error to the supreme court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 233. A. H. Leonard et al., plaintiffs in error, *v.* The Vicksburg, Shreveport and Pacific Railroad Company et al. In error to the

supreme court of the State of Louisiana. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 149. Frederic W. Lincoln et al., plaintiffs in error, *v.* The United States; and

No. 466. Warner Barnes & Co., Limited, appellant, *v.* The United States. Leave is given to file petitions for rehearing addressed solely to the two points whether Congress ratified the collection of the sums sought to be recovered in these suits, and whether it had power to do so; and the applications for rehearing will be taken as submitted by both sides on printed briefs on or before the first Monday of the next term.

No. —. John W. Ballman *v.* The United States. The application for a writ of error is granted, to be made a supersedeas on plaintiff in error giving bond conditioned according to law, in the penal sum of \$5,000, to be approved by the judge of the district court of the southern district of Ohio.

No. 535. The United States *v.* Ju Toy. Motion that mandate issue at once granted.

No. 606. Simon Burns et al., appellants, *v.* John W. Hayes et al. Motion for rule to show cause denied.

Nos. 643, 644 and 645. George E. Green, appellant, *v.* Clinton D. MacDougall, United States marshal. Motions to dismiss or affirm postponed to the hearing on the merits and the cases advanced to be heard on the first Tuesday of the next term (October 10), after the cases already assigned for that day.

No. 638. Francis H. Duelay, petitioner, *v.* The District of Columbia. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied. (Mr. Justice Brewer took no part in the consideration and disposition of this application.)

No. 647. D. G. Fritzlen et al., petitioners, *v.* Boatmen's Bank of St. Louis, Mo. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 653. The Pitch Pine Lumber Company, petitioner, *v.* William S. Rosasco et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 654. The Brunswick-Balke-Collender Company, petitioner, *v.* John G. Klumpp et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 656 and 657. William H. Staake, trustee, petitioner, *v.* Watts, Robertson & Robertson et al. Petitions for writs of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 659. Martha Raphael, administratrix, etc., petitioner, *v.* The Rio Grande Western Railway Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 663. John B. McPherson, judge, etc., petitioner, *v.* American Soda Fountain Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 398. John C. Orrell et al., plaintiffs in error, *v.* The Bay Manufacturing Company. In error to the supreme court of the State of Mississippi. Dismissed for the want of jurisdiction, on the authority of *Schlosser v. Hemphill*, decided at this term.

No. 431. Ignacio Rosales y Cueli, plaintiff in error, *v.* Dolores Moya y Rodriguez, guardian, etc., et al. In error to the district court of the United States for the district of Porto Rico. Dismissed for the want of jurisdiction. *Royal Insurance Company v. Martin*, 192 U. S., 149; *Railroad Company v. Hopkins*, 130 U. S., 210; *Filhoil v. Maurice*, 185 U. S., 108; *Louisville and Nashville Railroad Company v. Louisville*, 166 U. S., 709; *Harrison v. Morton*, 171 U. S., 38.

No. 588. Edward W. Shoemith, appellant, *v.* H. Meyer Boot and Shoe Manufacturing Company et al. Appeal from the district court of the United States for the northern district of Illinois. Dismissed for want of jurisdiction. *McLish v. Roff*, 141 U. S., 66; *Maynard v. Hecht*, 151 U. S., 324; *United States v. Jahn*, 155 U. S., 113; *Louisville Trust Company v. Knott*, 191 U. S., 232.

No. 672. Lewis C. Burnes et al., petitioners, *v.* Frances B. Burnes, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Stephen S. Brown, Mr. John E. Dolman, Mr. A. P. Jetmore and Mr. Samuel M. Gardenhire for the petitioners, and by Mr. Frank Hagerman and Mr. Vinton Pike for the respondents, with leave to petitioners to file additional brief within fifteen days.

No. 678. P. S. Bailey, petitioner, *v.* Thomas F. Williford. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. J. Altheus Johnson in behalf of Mr. H. J. Haynsworth for the petitioner, and by Mr. Robert B. Redwine for respondent.

No. 4, Original. The State of Missouri, complainant, *v.* The State of Illinois et al. Mr. Frank S. Bright presented his report as commissioner herein, and it was ordered to be filed. Ordered that the testimony and other evidence herein be opened, published and filed, on motion of Mr. Sam. B. Jeffries for the complainant. Motion as to printing record, etc., submitted by Mr. Sam. B. Jeffries for the complainant. Motion to set

case for argument, etc., submitted by Mr. Sam. B. Jeffries for the complainant.

No. 680. Joseph Bisso et al., petitioners, *v.* Malvina L. Quinette. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. John D. Grace and Mr. Lamar C. Quintero for the petitioners.

No. 649. Joseph R. De Lamar, petitioner, *v.* Utah-Nevada Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. William A. Maury in behalf of Mr. E. S. Pillsbury for the petitioner, and by Mr. James A. Maguire, Mr. W. H. Metson and Mr. J. T. Houx for respondent.

No. —, Original. *Ex parte*: In the matter of Benjamin F. McCaully, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari submitted by Mr. H. F. Woodard for the petitioner.

No. 336. The Guardian Trust and Deposit Company et al. *v.* B. J. Fisher et al. Motion for a writ of certiorari to bring up the entire record and cause submitted by Mr. John Peirce Bruns for The Guardian Trust and Deposit Company et al.

No. 682. Gustav Scherf, appellant, *v.* P. J. Curtis, sheriff of the city and county of San Francisco, Cal. Appeal from the circuit court of the United States for the northern district of California. Docketed and dismissed with costs, on motion of Mr. William R. Harr for the appellee.

No. 666. R. J. Walbridge, petitioner, *v.* W. P. Walker & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Thomas H. Clark in behalf of Mr. R. L. Batts for the petitioner.

No. 665. Leonidas M. Lawson et al., petitioners, *v.* United States Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Ogden Hiles, Mr. Charles J. Hughes, jr., and Mr. Lindsay R. Rogers for the petitioners, with leave to both sides to file briefs within sixty days.

No. 677. Big Six Development Company, petitioner, *v.* S. Duffield Mitchell. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. John W. Halliburton and Mr. Frank Hagerman for the petitioner, and by Mr. S. Duffield Mitchell *pro se*. Leave to petitioner to file reply brief within fifteen days.

No. 535. *The United States v. Ju Toy*. Motion for leave to submit petition for rehearing submitted by Mr. John Ridout, for Ju Toy, and denied.

No. —, Original. Ex parte: In the matter of Benjamin F. McCaully, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari denied.

Order: It is now here ordered by the court that all the cases on the docket not decided, and all the other business of the term not disposed of by the court be, and the same are hereby, continued until the next term of the court.

Adjourned to the time and place appointed by law.

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